

NORTH CAROLINA REGISTER

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September 1, 2023

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NORTH CAROLINA REGISTER
Publication Schedule for January 2023 – December 2023

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
37:13	01/03/23	12/07/22	01/18/23	03/06/23	03/20/23	04/20/2023	05/01/23	09/30/23
37:14	01/17/23	12/20/22	02/01/23	03/20/23	04/20/23	05/18/2023	06/01/23	10/14/23
37:15	02/01/23	01/10/23	02/16/23	04/03/23	04/20/23	05/18/2023	06/01/23	10/29/23
37:16	02/15/23	01/25/23	03/02/23	04/17/23	04/20/23	05/18/2023	06/01/23	11/12/23
37:17	03/01/23	02/08/23	03/16/23	05/01/23	05/20/23	06/15/2023	07/01/23	11/26/23
37:18	03/15/23	02/22/23	03/30/23	05/15/23	05/20/23	06/15/2023	07/01/23	12/10/23
37:19	04/03/23	03/13/23	04/18/23	06/02/23	06/20/23	07/20/2023	08/01/23	12/29/23
37:20	04/17/23	03/24/23	05/02/23	06/16/23	06/20/23	07/20/2023	08/01/23	01/12/24
37:21	05/01/23	04/10/23	05/16/23	06/30/23	07/20/23	08/17/2023	09/01/23	01/26/24
37:22	05/15/23	04/24/23	05/30/23	07/14/23	07/20/23	08/17/2023	09/01/23	02/09/24
37:23	06/01/23	05/10/23	06/16/23	07/31/23	08/20/23	09/21/2023	10/01/23	02/26/24
37:24	06/15/23	05/24/23	06/30/23	08/14/23	08/20/23	09/21/2023	10/01/23	03/11/24
38:01	07/03/23	06/12/23	07/18/23	09/01/23	09/20/23	10/19/2023	11/01/23	03/29/24
38:02	07/17/23	06/23/23	08/01/23	09/15/23	09/20/23	10/19/2023	11/01/23	04/12/24
38:03	08/01/23	07/11/23	08/16/23	10/02/23	10/20/23	11/16/2023	12/01/23	04/27/24
38:04	08/15/23	07/25/23	08/30/23	10/16/23	10/20/23	11/16/2023	12/01/23	05/11/24
38:05	09/01/23	08/11/23	09/16/23	10/31/23	11/20/23	12/14/2023	01/01/24	05/28/24
38:06	09/15/23	08/24/23	09/30/23	11/14/23	11/20/23	12/14/2023	01/01/24	06/11/24
38:07	10/02/23	09/11/23	10/17/23	12/01/23	12/20/23	01/18/2024	02/01/24	06/28/24
38:08	10/16/23	09/25/23	10/31/23	12/15/23	12/20/23	01/18/2024	02/01/24	07/12/24
38:09	11/01/23	10/11/23	11/16/23	01/02/24	01/20/24	02/15/2024	03/01/24	07/28/24
38:10	11/15/23	10/24/23	11/30/23	01/16/24	01/20/24	02/15/2024	03/01/24	08/11/24
38:11	12/01/23	11/07/23	12/16/23	01/30/24	02/20/24	03/21/2024	04/01/24	08/27/24
38:12	12/15/23	11/22/23	12/30/23	02/13/24	02/20/24	03/21/2024	04/01/24	09/10/24

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.



State of North Carolina

ROY COOPER
GOVERNOR

August 1, 2023

EXECUTIVE ORDER NO. 283

DISASTER DECLARATION FOR THE TOWN OF DORTCHES, NASH COUNTY NORTH CAROLINA

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, authorizes the issuance of a disaster declaration for an emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7) that has been impacted by a Type I disaster as defined in N.C. Gen. Stat. § 166A-19.21(b); and

WHEREAS, on July 19, 2023, the Town of Dortches (hereinafter "Dortches") in Nash County, North Carolina experienced damages from an EF-3 tornado; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.22 the Mayor of Dortches and the Chair of the Board of the Commissioners in Nash County, North Carolina declared a state of emergency on July 19, 2023, and

WHEREAS, due to the impacts of the events, local and state emergency management officials conducted a joint preliminary damage assessment on July 24, 2023, for Dortches; and

WHEREAS, Dortches has incurred more than \$10,000 in disaster-related damages, the damages exceed one (1) percent of the Town's operating budget, Dortches has a current state approved Hazard Mitigation plan in place and participates in the National Flood Insurance Program; and

WHEREAS, the President of the United States has not declared a Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter "Stafford Act"), as amended (42 U.S.C. § 5121-5206), declaration; and

WHEREAS, Dortches would not qualify based on the preliminary damage assessment for Federal Public Assistance according to the requirements of 44 C.F.R. § 206.48; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.21(a)-(b), the criteria for a Type I disaster are met if: (a) the Secretary of the North Carolina Department of Public Safety has provided a preliminary damage assessment to the undersigned and the General Assembly; (b) local state of emergency declarations have been issued pursuant to N.C. Gen. Stat. § 166A-19.22 in the areas impacted by the Type I disaster; (c) the preliminary damage assessment meets or exceeds the state infrastructure criteria set out in N.C. Gen. Stat. § 166A-19.41(b)(2)a; and (d) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared for public assistance; and

WHEREAS, the undersigned has determined that a Type I disaster, as defined in N.C. Gen. Stat. § 166A-19.21(b)(1), exists in the State of North Carolina in the Town of Dortches in Nash County, North Carolina; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41, if a disaster is declared, the undersigned may make state funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of residents in the emergency area.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, IT IS ORDERED:

Section 1.

For purposes of this Executive Order only, the emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7), is the Town of Dortches in Nash County, North Carolina ("the Emergency Area").

Section 2.

Pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), a Type I disaster is hereby declared for the Emergency Area.

Section 3.

I authorize state disaster assistance in the form of public assistance grants to the eligible local governments located within the emergency area that meet the terms and conditions under N.C. Gen. Stat. § 166A-19.41(b)(2). The public assistance grants are for the following:

- a. Debris clearance.

Section 4.

I hereby order that this declaration be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the public; (b) promptly filed with the Secretary of the North Carolina Department of Public Safety, the North Carolina Secretary of State, and the Nash County Clerk of Superior Court; and (c) distributed to others as necessary to ensure proper implementation of this declaration.

Section 5.

Pursuant to N.C. Gen. Stat. § 166A-19.21(c)(1), this Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of thirty (30) days each, not to exceed a total of 120 days from the date of first issuance.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 1st day of August in the year of our Lord two thousand and twenty-three.

Roy Cooper

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall

Elaine F. Marshall
Secretary of State



Coastal Resources Commission

Rescheduled Public Hearing

The Coastal Resources Commission (CRC) had planned a public hearing at its August 24, 2023 meeting for the proposed rules listed below. The August 24, 2023 CRC meeting and public hearing have been cancelled and rescheduled to September 21, 2023. The public hearing will be held at the Riverfront Convention Center, 203 South Front Street, New Bern, NC 28560 beginning at 1:15 pm. The public comment period ends on October 31, 2023. Public comments regarding the proposed rules can be sent to: Braxton Davis, 400 Commerce Ave, Morehead City, NC 28557 or email to: braxton.davis@deq.nc.gov
The following proposed rule amendments will be heard: 15A NCAC 07H .0305, 07H .0309, 07H .1102, 07H .1202, 07H .1302, 07H .1402, 07H .1502, .07H .2002, 07H .2102, 07H .2202, 07H .2302, 07H .2402, 07H .2702



*Division of Prisons
Policy and Procedure*

Chapter: G
Section: .0300
Title: Administrative Remedy Procedures
Issue Date: July 1, 2023
Supersedes: August 1, 2013
DRAFT

References

5th Edition Standards for Adult Correctional Institutions

Related ACA Standards

North Carolina General Statute (NCGS)

.0301 PURPOSE

- (a) The policy of the North Carolina Department of Adult Correction (DAC), Division of Prisons (DOP) is to provide offenders an opportunity for administrative settlement of legitimate grievances. Most grievances can be resolved quickly through informal communication with responsible authorities at the facility in which the problem arose. An offender should be encouraged to use this method prior to the initiation of a formal grievance.
- (b) When this method is not possible, DAC seeks to reduce tension and provide a stable atmosphere by providing formal channels of communication of grievances by utilizing the Administrative Remedy Procedure (ARP).
- (c) A formal grievance is a written complaint, submitted either in paper form on a Form DC-410, or when permitted, electronic form, by an offender on the offender's own behalf concerning an action, incident, policy, or condition within a prison facility.
- (d) The ARP shall afford a successful grievant a meaningful remedy to include but not be limited to, an order requiring that specific action be taken, modification of a Prison policy, restoration or restitution for personal property, and such other remedies that will meaningfully resolve the grievance presented.
- (e) Employees who intentionally obstruct the grievance process shall be subject to disciplinary action.

.0302 ACCESSIBILITY

- (a) Communication of the Procedure:
 - (1) A standard written notification of the ARP shall be given to each offender as a part of orientation at the Diagnostic Center and shall be included in free educational materials on tablets. This notification shall instruct the offender as to

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how and where to obtain a grievance form (Form DC-410) and how and where to submit completed grievance forms.

- (2) The notification shall also be available at each prison facility. In addition, as a part of orientation at the Diagnostic Center, each offender shall have an oral explanation of the procedure and shall have the opportunity to ask questions regarding this procedure.

- (b) Any offender who is incapable of understanding this procedure or completing the grievance form in English language may request assistance.

- (c) Only PREA-related grievances regarding allegations of sexual abuse may be submitted by third parties, including fellow offenders, staff members, family members, attorneys, and outside advocates, on an offender's behalf. Such PREA related grievances from third parties must be submitted to the Warden of the facility where the offender is housed. A facility may require, as a condition of processing the third-party grievance, that the alleged victim consent to have the grievance submitted on their behalf and require their participation in subsequent steps in the grievance process. If the offender declines to have the third-party grievance processed on their behalf, the facility shall document the offender's decision.

- (d) Availability of the Procedure:
 - (1) The ARP shall be readily available to all offenders and staff for their information and review. It shall be available, where possible, on offender tablets. The ARP shall also be posted, where possible, throughout prison facilities or kept current in all libraries or in locations that make the procedure available for the offender to review, such as housing units.

 - (2) The procedure shall be available to all offenders, regardless of disciplinary, classification, or other administrative decisions affecting the offender, either by written copy or electronic tablet dependent on facility SOP or operational and security needs.

.0303 REPRISALS

- (a) No reprisals shall be taken against any offender or staff member for a good faith use of or participation in the grievance procedure. The prohibition against reprisals should not be construed to prohibit discipline of offenders who do not use the system in good faith, in accordance with Section .0306(c)(5) herein.

- (b) False Reporting: Offenders will be held accountable for knowingly making false reports of unfounded incidents of sexual abuse against a staff member or another offender. If it is

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clearly established that a false accusation has been made, the offender may be subject to disciplinary action.

- (c) If an offender believes that a reprisal has occurred, a grievance describing the reprisal action may be submitted through the normal grievance process. The offender may submit written correspondence to the Secretary of Adult Correction.
- (d) If a staff member believes that a reprisal has occurred as a result of the employee's participation in or assistance with the grievance procedure, a written complaint stating the nature of the reprisal taken against the employee may be filed with the chain of command.

.0304 SUBMISSION OF GRIEVANCES

- (a) Any aggrieved offender in the custody of DAC may submit a paper grievance Form DC-410 at their housing facility. Paper forms may be submitted to custody staff, through facility mail, or in designated drop-box locations.
- (b) Dependent on housing and classification status, offenders may also submit grievances to their housing facility electronically through their offender tablet grievance application, when, and if, such application is made available to the offender population.
- (c) Offenders may submit up to three grievances regarding separate incidents. After an offender has three grievances pending, at any level of review, the offender may only submit a fourth grievance after a pending grievance has completed Step 2 review or has been resolved.
- (d) PREA related allegations shall be treated in accordance with DOP policy F .3400, Offender Sexual Abuse and Sexual Harassment Policy. If a grievance complains about sexual abuse or sexual harassment of an offender(s), immediate notification shall be made to the facility PREA Compliance Manager and a PREA investigation shall be initiated, if not already in the process. DAC's PREA office may review offender grievances to ensure compliance with PREA standards.
- (e) Offenders may submit grievances with related documentation, such as receipts or order forms, if the offender is in possession of said documents. If an offender is not in possession of the document, but is aware that it may exist, the offender can identify the supporting documentation within the text of the grievance. Offenders may also identify witnesses in the text of their grievances.

.0305 SCREENING OFFICER

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- (a) Wardens will appoint one or more screening officers. Screening officers shall be fair, knowledgeable regarding the grievance procedure, including time frames established therein, and capable of mediation of grievances at the facility level.
- (b) No employee who appears to be involved in a grievance shall participate in any capacity in the resolution process, except as a witness where necessary. In addition, no employee who appears to be involved in an offender sexual abuse or harassment allegation shall accept a grievance which suggests such personal involvement or shall participate in any capacity in the response to the grievance.
- (c) The screening officer will review grievances submitted by offenders and decide whether the grievance meets one of the rejection criteria set forth in Section .0304 and .0306 herein, or whether the grievance shall be accepted for facility response. This screening shall be completed within three days of receipt of the grievance.
- (d) Receipt of grievances, to include collection of drop-box locations or grievances transmitted through facility mail, shall occur every 24 hours. Wardens shall be responsible for ensuring there are sufficient screening officers to cover absences, holidays, and other non-working days.
- (e) Offenders shall receive written or electronic notice of whether the grievance has been accepted for processing or if it has been rejected, including the basis for rejection, within three days after receipt.
- (f) If the screening officer determines that the grievance can be considered under the procedure, the screening officer may forward it to the staff member whom the officer believes can best provide information or relief.

.0306 REJECTION OF GRIEVANCES

- (a) No offender grievance alleging sexual abuse or harassment shall be rejected.
- (b) With the exception of offender sexual abuse or harassment grievances, any grievance submitted **shall be** rejected at any level if it:
 - (1) Seeks to challenge matters already decided by a State or Federal court;
 - (2) Challenges a Parole Commission decision;
 - (3) Challenges a disciplinary action; or
 - (4) Challenges matters beyond the control of DAC.

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- (c) With the exception of offender sexual abuse or harassment grievances, a grievance **may be** rejected at any level if:
 - (1) An offender has submitted three grievances regarding separate incidents and none of the three previously submitted grievances have completed Step 2 review or been resolved.
 - (2) There has been a time lapse of more than 90 days between the alleged event and receipt of the grievance.
 - (3) The offender has requested a remedy for another offender, except in case of an allegation of sexual abuse or harassment. This shall not apply to grievances related to policies or conditions made on behalf of a group of offenders, in which the submitting offender is a member.
 - (4) The offender has requested a remedy for more than one unrelated incident. This shall not apply to grievances related to policies or conditions made as a pattern of incidents which are related in type.
 - (5) The offender's grievance directs toward any person language that is generally considered profane, vulgar, abusive, contemptuous, or threatening. Offenders who violate this rule may be subject to disciplinary action. The grievance may be resubmitted for processing after objectionable language has been eliminated.

- (d) All rejected grievances shall be reviewed and electronically retained by the Warden/designee to ensure compliance with appropriate rejection bases. The screening officer shall be responsible for ensuring that such review takes place at least monthly and that the electronic grievance records are accurate.
 - (1) The Warden may determine that the grievance should have been accepted, and not rejected, the offender shall be notified in writing and provided the opportunity to resubmit the grievance on a new DC-410 in accordance with Section .0304.
 - (2) If the offender declines this opportunity to resubmit the rejected grievance, the screening officer shall obtain a statement or refusal from the offender. The screening officer shall note the offender's decision in the comments related to the electronically retained grievance.

.0307 TIME LIMITS

- (a) From receipt of grievance to completion of step 3 review final disposition, all grievances shall be processed within 90 calendar days. The 90-day period commences the day after the grievance has been received.

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- (b) Time frames herein may be extended for up to 70 days if the normal time period for response is insufficient to issue an appropriate response.
- (c) If, at any step of the procedure, a response is not made within the prescribed time limits and there has been no extension of time to issue an appropriate response, the grievance may be forwarded to the next step for review.
- (d) At each step of grievance review (see Section .0309), the time limits are as follows:
 - Screening Response - 3 days after Receipt of Grievance
 - Step 1 Response - 15 days after Screening Response
 - Step 2 Response - 20 days after Appeal of Step 1 Response
 - Step 3 Response - 30 days after Appeal of Step 2 Response
- (e) Nothing in this section shall waive or in any way restrict the right or ability of DAC to assert a statute of limitations defense in a lawsuit brought by an offender.
- (f) Appeals must be requested within 24 hours of receipt of the current step response or the right to appeal shall be waived. The person to whom the appeal is directed has the discretion to accept a late appeal in the event of extenuating circumstances.
- (g) Wardens are responsible to ensure their staff are compliant with the grievance response time frames set forth herein. The Warden shall ensure that screening officers, or other staff, are maintaining monthly reports on past due grievance responses and taking corrective action regarding past due grievances.
- (h) An offender's current housing facility staff shall be responsible for issuing facility-based responses to offenders in writing, including but not limited to screening response, Step 1 response, and/or Step 2 response, where electronic delivery of the response is not feasible. The written responses shall be printed in duplicate. One copy may be retained by the offender and the second copy shall be retained by the facility. Step 3 responses shall be issued by the Inmate Grievance Resolution Board (IGRB).

.0308 EMERGENCY GRIEVANCES

- (a) Emergency grievances must be labeled as such and are grievances regarding matters which pose imminent substantial risk of personal injury or serious and irreparable harm to an offender.
- (b) Emergency grievances shall be submitted at an offender's housing facility and forwarded immediately, without substantive review, to the level at which corrective action can be taken by the facility screening officer. Review at the correction action level shall include

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a determination as to whether the grievance is in fact of an emergency nature. Review at the corrective action level shall conclude with a Step 2 response, including any action taken in response to the grievance, within five days.

- (c) Absent a substantiated determination that the grievance is of an emergency nature set forth above, all other matters shall not constitute the basis for use of an emergency grievance. Grievances determined not to be of an emergency nature will be routed through the normal grievance process for response.

.0309 GRIEVANCE REVIEW PROCEDURE

(a) Step 1 Review:

- (1) After acceptance of a grievance, the screening officer shall forward the grievance to the staff member who can best provide Step 1 investigation and response. No employee who appears to be involved in an offender sexual abuse or harassment allegation shall participate in any capacity in the response.
- (2) The staff responsible for investigation and response to the offender grievance shall provide this formal Step 1 response within 15 days following the screening response.
- (3) For offender sexual abuse or harassment grievances, the following response shall be provided: Your grievance has been identified as an allegation of offender sexual abuse or harassment. Your grievance has been forwarded to the Warden for appropriate action according to the Prison Rape Elimination Act of 2003 and DOP policy F .3400, Offender Sexual Abuse and Sexual Harassment Policy.
- (4) For grievances submitted related to “offender claims regarding alleged disability,” “ADA,” and/or “accommodation,” the response process should indicate in writing that the offender was given a Form DC-746, Offender Request for Accommodation. This includes any grievance that may be rejected because the offender has requested a remedy for more than one event.
- (5) The staff member will conduct an investigation into the offender’s allegations or concerns and prepare a Step 1 response. Staff shall attach any documentation or statements used in the investigation to the grievance electronic record.
- (6) The response only will be provided to the offender either in paper copy or electronically, depending upon the offender’s ability to access a tablet and dependent on the offender’s housing or classification status.

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- (7) Staff who prepared and signed Step 1 response shall afford the offender an opportunity to have the Step 1 explained in an attempt to resolve the grievance.
 - (8) The offender shall sign the Step 1 response within 24 hours after delivery of the response and designate whether the offender wishes to appeal the response or accept the response.
 - (9) If, at the conclusion of 15 days after the screening response, absent an extension of time, staff are unable to respond to the offender, the grievance and any investigation materials related thereto shall be forwarded to Step 2. The offender shall be provided notice of the time frame violation and forwarding to Step 2.
 - (10) If at any step of the procedure, the offender refuses or is otherwise unavailable to document the Step response with either "appeal" or "accept", staff shall document the refusal or unavailability automatically forward the grievance to the next step in the ARP.
- (b) Step 2 Review:
- (1) If the offender elects to appeal the Step 1 response to the Warden, the offender should select "appeal" on the Step 1 response within 24 hours of notification of the Step 1 decision. The Step 1 responder shall forward the appeal to the Warden/designee upon notification and explanation of the decision reached at Step 1.
 - (2) Lack of response from the offender shall be deemed acceptance of the Step 1 response after 24 hours. Facilities shall not accept late appeal notices absent exigent circumstances. If the offender is unavailable to review the Step 1 response, the facility shall automatically forward the Step 1 response to Step 2.
 - (3) The Warden/designee shall investigate the grievance and review records gathered at Step 1 and complete the investigation within 20 days after the appeal to Step 2.

NOTE: All offender sexual abuse or harassment related grievances must be investigated by a specially trained PREA investigator at Step 2.
 - (4) After completing the investigation and ensuring the record is adequately documented for review, the Warden/designee shall complete a Step 2 response to the offender's grievance. The Warden should address their review of the Step 1 response and any additional measures taken to address the offender's grievance. Staff shall attach any documentation or statements used in the investigation to the grievance electronic record.

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- (5) The response only will be provided to the offender either in paper copy or electronically, depending upon the offender's ability to access a tablet and dependent on the offender's housing or classification status.
 - (6) The Warden/designee who prepared and signed the Step 2 response shall afford the offender an opportunity to have the Step 2 response explained in an attempt to resolve the grievance.
- (c) Step 3 Review:
- (1) If the offender is not satisfied with the Step 2 decision, the offender may appeal to the IGRB as designee for the Secretary of Adult Correction. If the offender elects to appeal the Step 2 response to the IGRB, the offender should select "appeal" on the Step 2 response indicating the offender is not satisfied with the Step 2 decision. The Step 2 responder shall then forward the appeal to the IGRB.
 - (2) Lack of response from or refusal to sign by the offender shall be deemed an acceptance of the Step 2 response after 24 hours. Facilities shall not accept late appeal notices absent exigent circumstances. If the offender is unavailable to review the Step 2 response, the facility shall automatically forward the Step 2 response to Step 3.
 - (3) The Executive Director of the IGRB or designated IGRB Grievance Examiner (IGE) shall review all grievances that are assigned to the section.
 - (4) In reviewing the grievance, the IGE shall conduct an independent investigation of the grievance record and any matters related thereto. The IGE may rely on any investigations already completed. The IGE shall have access to offenders and staff at facilities and shall review records relevant to the grievance.
 - (5) Following their investigation, the IGE shall determine whether the grievance has been satisfactorily resolved by the facility. If the grievance has been satisfactorily resolved by the facility, the IGE will dismiss the grievance as resolved and state the reasoning that the facility's resolution is satisfactory.
 - (6) If the facility has not satisfactorily resolved the grievance, the IGE may resolve the grievance through mediation and communication with all interested parties.
 - (7) The IGE may also determine if the grievance should be dismissed for lacking merit, lacking supporting evidence, or exceeding the scope of the ARP. The IGE shall forward their decision to the offender within 30 days from the date of the offender's appeal from Step 2.

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- (8) The decision of the IGE shall be binding, unless the Secretary of Adult Correction finds that such relief is not appropriate, gives a written explanation for this finding, and makes an alternative order of relief or denies the grievance.
- (9) The decision by the IGE or a modification by the Secretary of Adult Correction shall constitute the final step of the ARP.

.0310 TRANSFERS DURING GRIEVANCE PROCESS

- (a) If an offender who has submitted a grievance is transferred to another DOP facility while the offender's grievance is being considered at either Step 1 or Step 2, the Warden/designee at the sending facility will assure that the current pending step review is completed and will then forward the grievance to the Warden/designee at the receiving facility for further processing.
- (b) It is ultimately the responsibility of the sending facility, or the facility named in the grievance to collect information, evidence, or documents related to the allegations listed in the grievance. However, it shall be the responsibility of the housing or receiving facility to ensure that the offender receives a timely response and for entry of any appeal information from said response. Wardens must ensure that staff are aware of their responsibilities and maintain accurate contact information to coordinate responses in transfer situations.
- (c) If an offender who has submitted a grievance is no longer in the custody of DOP or is otherwise unavailable, the reviewing authority shall complete review at the current step. Processing shall then be considered complete and the Form DC-410 will be distributed appropriately.
- (d) Grievances not fully processed due to the unavailability of the offender when the offender remains in the custody of DOP under a current sentence, the grievance shall be forwarded through the appeal process such as listed in Section .0309 for unavailability to sign appeal form. The unavailability shall be documented by staff signature.
- (e) If an offender who has submitted a grievance related to sexual abuse or harassment is no longer at the facility or in custody, the investigation into the allegations shall continue as per policy.

.0311 RECORD MAINTENANCE AND CONFIDENTIALITY

- (a) Records regarding submission and disposition of grievances shall be stored in a manner consistent with North Carolina State Retention Schedule at RC No. 1111.3, which applies specifically to offender grievances. If the grievance is initiated in paper format, the paper

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documents shall be retained until the completion of the grievance appeals process, plus three years.

- (b) The retention schedule permits that documents be stored electronically or in paper copy. Electronic records are only acceptable to be maintained during the grievance appeals process if the grievance was initiated by electronic means and the offender is capable of receiving grievance appeal responses in electronic format. Otherwise, paper records shall be maintained until the completion of the grievance appeals process plus three years.
- (c) Procedure Review. The Board shall evaluate the functionality of the ARP and review summaries of offender grievances at least quarterly.
- (d) Any comments from staff, offenders, or members of the public regarding the perceptions of the effectiveness and credibility of the ARP shall be presented to the Board at their quarterly meetings. All evaluations of the ARP shall be reviewed by the Secretary of Adult Correction.

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North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Honor LSV, LLC

Applicant's Address: 636 Omni Industrial Blvd

Application Date: 06-28-2023

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant: Brian Plaisance

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 01 – DEPARTMENT OF ADMINISTRATION

CHAPTER 06 - STATE PROPERTY AND CONSTRUCTION

SUBCHAPTER 06B - REAL PROPERTY

SECTION .0300 – DISPOSITION OF REAL PROPERTY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Administration intends to adopt the rule cited as 01 NCAC 06B .0307.

Link to agency website pursuant to G.S. 150B-19.1(c): https://ncadmin.nc.gov/about-doa/administrative-rules-review

Proposed Effective Date: January 1, 2024

Public Hearing:

Date: September 18, 2023

Time: 10:00 a.m.

Location:

https://ncgov.webex.com/ncgov/j.php?MTID=maae0827eee2c87b217e9e85cbc4919cc

Reason for Proposed Action: The agency seeks to adopt a rule that expired in 2018.

Comments may be submitted to: Donya Strong, 116 W. Jones St., Raleigh, NC 27699-1301; phone (984) 236-0003; email adminrules@doa.nc.gov

Comment period ends: October 31, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

01 NCAC 06B .0307 LEASES AT STATE FAIRGROUNDS AND WNC AG CENTER

The Department of Agriculture and Consumer Services, without prior approval of the Council of State, is authorized to enter into leases of buildings or land, and contracts for the furnishing of rides, shows and other related services on the State Fairgrounds and the WNC Ag Center, provided that the duration of each lease, rental agreement or contract shall not exceed 20 days per year for up to three years, plus a reasonable number of days before and after an event for move-in and move-out. A lease, rental agreement or contract for more than one year, which provides for a payment to the State of more than one hundred thousand dollars (\$100,000) per year, shall be awarded to the highest qualified bidder, as determined by the Department.

Authority G.S. 143-341(4)f; 143-341(4)d, f; 146-35; Council of State Resolution of July 1, 1975.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Radiation Protection Commission intends to amend the rule cited as 10A NCAC 15 .0501, repeal the rules cited as 10A NCAC 15 .0502, .0506, .0509-.0517, .0519, .0520, .0522, .0523, .0525, and repeal through re-adoption the rules cited as 10A NCAC 15 .0503-.0505, .0507, .0508, .0521 and .0524.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) is available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): https://info.ncdhhs.gov/dhsr/ruleactions.html

Proposed Effective Date: May 1, 2024

Public Hearing:

Date: October 25, 2023

Time: 2:00 p.m.

Location: Dorothea Dix Park, Edgerton Building, Room 026, 809 Ruggles Drive, Raleigh, NC 27603

CHAPTER 15 - RADIATION PROTECTION

SECTION .0500 - SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHY OPERATIONS X-RAY MACHINES

Reason for Proposed Action: Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of the rules in Chapter 10A NCAC 15, Radiation Protection, these seven proposed readoption rules were part of the 257 rules from the N.C. Radiation Protection Commission determined as "Necessary With Substantive Public Interest," requiring readoption. With input from working groups of the N.C. Radiation Protection Commission, seven rules are proposed for repeal through readoption. In addition, one rule is proposed for amendment and 16 rules are proposed for repeal for the regulation of radiation protection in the State.

Rule 10A NCAC 15 .0501 is proposed for amendment to incorporate by reference the federal Code of Federal Regulations (CFR) for industrial radiography found in 10 CFR 34. The amendment will bring that Rule into compatibility with the federal regulations found in 10 CFR 34 for persons conducting industrial radiographic operations using radiation machines for non-human use. Twenty-three rules are proposed for repeal or repeal through readoption because they are redundant and are therefore unnecessary because the federal regulations for these rules are incorporated by reference in Rule 10A NCAC 15 .0501.

Comments may be submitted to: Nadine Pfeiffer, 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, NC 27699-2701; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: October 31, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

10A NCAC 15 .0501 PURPOSE AND SCOPE INDUSTRIAL RADIOGRAPHIC OPERATIONS OF ELECTRONIC RADIATION MACHINES FOR NON-HUMAN USE

(a) The rules in this Section establish radiation safety requirements for persons utilizing sources of radiation for industrial radiography. The requirements of this Section are in addition to and not in substitution for the other requirements of this Chapter.

(b) The rules in this Section apply to all licensees or registrants who use sources of radiation for industrial radiography; provided, however that nothing in this Section shall apply to the use of sources of radiation in the healing arts.

(a) Persons conducting industrial radiographic operations using radiation machines shall comply with the following provisions of 10 CFR 34, which are hereby incorporated by reference including subsequent amendments and editions, except references to and the requirements of 10 CFR 30, 37, 71, 150 and 171 contained therein shall not apply:

- (1) 10 CFR 34.1, "Purpose and Scope;"
(2) 10 CFR 34.3, "Definitions;" except that the definition of becquerel, control (drive) cable, control drive mechanism, control tube, exposure head, field station, guide tube (projection sheath), S-tube, source assembly, source changer, and storage container, shall not apply. Prior to using industrial radiography all persons shall be registered in accordance with Rules in Section .0200 of this Chapter. The following terms apply:
(A) "agreement state" shall have the same meaning as "agency" as defined in G.S. 104E-5(2);
(B) "license" shall have the same meaning as "registration" as defined in Rule .0104(131) of this Chapter;
(C) "licensed" shall have the same meaning as "registered" pursuant to the Rules in Section .0200 of this Chapter;
(D) "licensee" shall have the same meaning as "registrant" as defined in Rule.0104(130) of this Chapter;
(E) "radiation source" shall have the same meaning as "radiation machine" in G.S. 104E-5(13);
(F) "radiographic exposure device" shall have the same meaning as "radiation machine" in G.S 104E-5(13); and
(G) "sealed source" shall have the same meaning as "radiation machine" in G.S 104E-5(13).

PROPOSED RULES

- (3) 10 CFR 34.25, "Radiation survey instruments." The term "radioactive material" used in 10 CFR 34.25 shall have the same meaning as "radiation machine" in G.S. 104E-5(13); Authority G.S. 104E-7.
10A NCAC 15 .0502 DEFINITIONS
- (4) 10 CFR 34.31(a), (b)(1), and (c). "Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments;" Authority G.S. 104E-7; 10 CFR 34.3.
**10A NCAC 15 .0503 EQUIPMENT RADIATION
LEVEL LIMITS**
- (5) 10 CFR 34.33, "Permanent radiographic installations." The term "radioactive source" used in 10 CFR 34.33 shall have the same meaning as "radiation machine" in G.S. 104E-5(13); Authority G.S. 104E-7.
**10A NCAC 15 .0504 RADIOGRAPHIC EXPOSURE
DEVICES AND STORAGE CONTAINERS
10A NCAC 15 .0505 STORAGE, LABELS AND
TRANSPORTATION PRECAUTIONS**
- (6) 10 CFR 34.35(c), "Labeling, storage, and transportation;" Authority G.S. 104E-7.
10A NCAC 15 .0506 SURVEY INSTRUMENTS
- (7) 10 CFR 34.41, "Conducting industrial radiographic operations;" Authority G.S. 104E-7; 104E-12(a)(1).
- (8) 10 CFR 34.42, "Radiation Safety Officer for industrial radiograph;" Authority G.S. 104E-7; 104E-12(a)(1).
**10A NCAC 15 .0507 LEAK TESTING AND
REPLACEMENT OF SEALED SOURCES**
- (9) 10 CFR 34.43, "Training;" Authority G.S. 104E-7; 104E-12(a)(1).
10A NCAC 15 .0508 QUARTERLY INVENTORY
- (10) 10 CFR 34.45(a)(1) through (a)(3), (a)(5), (a)(7) through (a)(11), (a)(13), and (b), "Operating and emergency procedure;" Authority G.S. 104E-7; 104E-12(a)(1).
10A NCAC 15 .0509 UTILIZATION LOGS
- (11) 10 CFR 34.46, "Supervision of radiographers' assistants;" Authority G.S. 104E-7; 104E-12(a)(1).
10A NCAC 15 .0510 LIMITATIONS
- (12) 10 CFR 34.47, "Personnel monitoring;" Authority G.S. 104E-7; 104E-12(a)(1).
**10A NCAC 15 .0511 INSPECTION AND
MAINTENANCE**
- (13) 10 CFR 34.49, "Radiation surveys;" Authority G.S. 104E-7; 104E-12(a)(1).
10A NCAC 15 .0512 PERSONNEL MONITORING
- (14) 10 CFR 34.51, "Surveillance;" Authority G.S. 104E-7; 104E-12(a)(1).
**10A NCAC 15 .0513 OPERATING AND
EMERGENCY PROCEDURES**
- (15) 10 CFR 34.53, "Posting;" Authority G.S. 104E-7; 104E-12(a)(1).
10A NCAC 15 .0514 SECURITY
- (16) 10 CFR 34.61, "Records of the specific license for industrial radiography;" Authority G.S. 104E-7; 104E-12(a)(1); 104E-12(a)(2); 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement States, 46 F.R. 7540; 10 C.F.R. 34.43; 10 C.F.R. Appendix A.
**10A NCAC 15 .0515 RADIATION SURVEYS AND
SURVEY RECORDS**
- (17) 10 CFR 34.65, "Records of radiation survey instrument;" Authority G.S. 104E-7; 104E-12(a)(1).
10A NCAC 15 .0516 POSTING
- (18) 10 CFR 34.71, "Utilization logs;" Authority G.S. 104E-7; 104E-12(a)(1).
**10A NCAC 15 .0517 SUPERVISION OF
RADIOGRAPHERS' ASSISTANTS**
- (19) 10 CFR 34.73, "Records of inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments;" Authority G.S. 104E-7; 104E-12(a)(1); 104E-12(a)(2); 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement States, 46 F.R. 7540; 10 C.F.R. 34.43; 10 C.F.R. Appendix A.
**10A NCAC 15 .0519 SUBJECTS TO BE COVERED
DURING INSTRUCTION OF RADIOGRAPHERS**
- (20) 10 CFR 34.75, "Record of alarm system and entrance control checks at permanent radiographic installations;" Authority G.S. 104E-7.
- (21) 10 CFR 34.79, "Records of training and certification;" Authority G.S. 104E-7.
- (22) 10 CFR 34.81, "Copies of operating and emergency procedures;" Authority G.S. 104E-7.
- (23) 10 CFR 34.83, "Records of personnel monitoring procedures;" Authority G.S. 104E-7; 104E-12(a)(1).
**10A NCAC 15 .0520 PERMANENT RADIOGRAPHIC
INSTALLATIONS**
- (24) 10 CFR 34.85, "Records of radiation surveys;" Authority G.S. 104E-7; 104E-12(a)(1).
**10A NCAC 15 .0521 PERFORMANCE
REQUIREMENTS FOR RADIOGRAPHY EQUIPMENT**
- (25) 10 CFR 34.87, "Form of records;" Authority G.S. 104E-7.
- (26) 10 CFR 34.89(a), (b)(1 through 10), "Location of documents and records;" and Authority G.S. 104E-7.
- (27) Appendix A to 10 CFR 34-Radiographer Certification. Authority G.S. 104E-7.

(b) Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part034/index.html>.

10A NCAC 15 .0522 REPORTING REQUIREMENTS
10A NCAC 15 .0523 RECORDS OF INDUSTRIAL RADIOGRAPHY

Authority G.S. 104E-7.

10A NCAC 15 .0524 SPECIFIC LICENSE FOR INDUSTRIAL RADIOGRAPHY

Authority G.S. 104E-7; 104E-10(b).

10A NCAC 15 .0525 RADIOGRAPHER CERTIFICATION

Authority G.S. 104E-7; 104E-10(b); 10 C.F.R. 34.43; 10 C.F.R. 34, Appendix A.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 09A .0205, .0206; 09B .0103, .0235, .0236, .0301; 09C .0306; 09E .0103; and 09G .0307.

Link to agency website pursuant to G.S. 150B-19.1(c): https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications

Proposed Effective Date: January 1, 2024

Public Hearing:

Date: November 15, 2023

Time: 10:00 a.m.

Location: Wake Tech Community College Public Safety Center, 321 Chapanoke Road, Raleigh, NC 27603

Reason for Proposed Action: To update training curriculum information for Juvenile Justice Officers and Court Counselors; to make technical corrections to references regarding certification suspensions, revocations or denials; to update Mandatory In Service Training compliance requirements for newly certified law enforcement officers; to update certification requirements for law enforcement officers; and to clarify suspension time periods for certified instructors.

Comments may be submitted to: Michelle Schilling, NC Department of Justice, Criminal Justice Standards Division, PO Drawer 149, Raleigh, NC 27602-0149; email MSchilling@ncdoj.gov

Comment period ends: November 15, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in

accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0200 - ENFORCEMENT OF RULES

12 NCAC 09A .0205 PERIOD OF SUSPENSION; REVOCATION; OR DENIAL

(a) When the Commission revokes or denies the certification of a criminal justice officer, the period of the sanction shall be permanent where the cause of sanction is:

- (1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);
(2) commission or conviction of a criminal offense for which punishment is authorized by law to included imprisonment for more than two years, except as provided by G.S. 17C-13(a); or
(3) the second suspension of an officer's certification for any of the causes requiring a five-year period of suspension pursuant to 12 NCAC 09A .0204.

(b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be not less than five years; however, the Commission may reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

- (1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;
(2) refusal to submit to the applicant or lateral transferee drug screen required by these Rules;
(3) production of a positive result on a drug screen reported to the Commission under 12 NCAC

- (4) 09C .0310, where the positive result cannot be explained to be in compliance with the law;
- (5) material misrepresentation of any information required for certification or accreditation;
- (6) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt to obtain credit, training or certification by any means of false pretense, deception, defraudation, misrepresentation or cheating;
- (7) failure to make either of the notifications as required by 12 NCAC 09B ~~.0101(8)~~; .0101;
- (8) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
- (9) performing activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or
- (9) commission or conviction of four or more crimes or unlawful acts defined as "Class B misdemeanors" in 12 NCAC 09A .0103(24)(b), regardless of the date of conviction.

(c) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205, .0225, .0235, and 0236;
- (2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111, .0114, .0116, .0117;
- (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- (4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 09E.

Authority G.S. 17C-6; 17C-10.

12 NCAC 09A .0206 SUMMARY SUSPENSIONS

(a) The Commission, by and through the Probable Cause Committee, may summarily suspend the certification of a criminal justice officer or instructor before the commencement of proceedings for suspension or revocation of the certification if the public health, safety, or welfare requires action pursuant to G.S. 150B-3. The Commission has determined that the following conditions specifically affect the public health, safety, or welfare and therefore it, by and through the Probable Cause Committee, may summarily suspend a certification of a criminal justice officer if:

- (1) the person has committed or been convicted of a violation of the criminal code that would require a permanent revocation or denial of certification;
- (2) the certified officer fails to complete the in-service training requirements as prescribed in 12 NCAC 09E; or

- (3) the certified officer has produced a positive result on a urinalysis test, conducted in accordance with 12 NCAC 09B ~~.0101(5)~~; .0101.

(b) For the purpose of considering a summary suspension of certification, the Probable Cause Committee shall meet only upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting.

(c) A summary suspension shall be effective on the date specified in the order of summary suspension or upon service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings.

(d) The Director, upon receipt of information showing the existence of a basis for summary suspension provided for in Subparagraph (a)(1), (2), or (3) of this Rule, shall coordinate the meeting described in Paragraph (b) of this Rule. All affected persons shall be notified that the person may submit any pertinent matters to the Probable Cause Committee for its consideration before the Committee acts on the summary suspension issue. No person shall be allowed more than 48 hours to submit information to the Probable Cause Committee.

(e) Upon oral notification by the Director that the certification of an officer or instructor is being summarily suspended by written order, the Department Head of the Criminal Justice Agency or the executive officer of the institution shall ensure that the officer or instructor does not perform duties requiring certification by the Commission.

(f) The Commission, by and through the Director, upon determining that a Commission-certified Concealed Carry Handgun Instructor has conducted a concealed carry handgun training course as mandated by G.S. 14-415.12(a)(4) that is not in compliance with 12 NCAC 09F .0102 and negatively affects the public safety and welfare shall do the following until such time as the training course has been brought into compliance or reported to the Probable Cause Committee for action:

- (1) summarily suspend the Concealed Carry Handgun Instructor certification, prohibiting him or her from delivering concealed carry handgun training until the Director determines the training program is brought into compliance with 12 NCAC 09F .0102 and 12 NCAC 09F .0105 of this Chapter; and
- (2) inform the instructor that he or she may appeal the Director's suspension by requesting, in writing, a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(g) The Commission, by and through the Director, upon determining that a Commission-certified instructor has conducted a Commission-approved training course in a way that was not in accordance with the requirements of this Chapter or has conducted a Commission-approved training course while being in violation of the instructor's minimum standards as outlined in 12 NCAC 09B .0301 shall do the following until such time as the training course or his or her instructor certification has been brought into compliance:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from

delivering Commission approved training until the noncompliance is remedied; and
(2) the Director shall send a report of all summary suspensions for a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(h) The Commission, by and through the Director, upon determining a Commission-certified instructor has been alleged to have violated a certification rule as outlined in this Chapter shall do the following:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering Commission approved training until the matter is resolved; and
(2) the Director shall send a report of all summary suspensions for a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(i) A summary suspension shall be effective on the date specified in the order of summary suspension or upon service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings.

(j) The Commission, by and through the Director, upon determining that a criminal justice officer who was issued a waiver of the requirements of 12 NCAC 09C .0306 has not met those requirements within 60 days of being awarded general certification by the Commission, shall summarily suspend the officer's certification until the officer meets the requirements of 12 NCAC 09C .0306.

Authority G.S. 17C-6; 17C-10; 150B-3.

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT; EDUCATION; AND TRAINING

SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT

12 NCAC 09B .0103 FINGERPRINT CRIMINAL HISTORY RECORD CHECK

(a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).

(b) The employing agency shall forward the applicant's fingerprints to the North Carolina State Bureau of Investigation for a criminal history record check utilizing fingerprints against State and federal files.

(c) The employing agency will receive a report of the results of the criminal history record check utilizing fingerprints against State and federal files. The employing agency shall retain the results of the criminal history record check utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121-4 and G.S. 132-8.1. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) Each applicant for certification and certified criminal justice officers shall also submit electronic fingerprints, other identifying information required by the State and National Repositories of Criminal Histories, and any other information required by the State Bureau of Investigation for their enrollment in the Federal Bureau of Investigations's Next Generation Identification (NGI) System and Criminal Justice Record of Arrest and Prosecution Background (RapBack) Service.

~~(d)~~(e) Pursuant to 12 NCAC 09C .0303(a), an applicant for certification as a law enforcement officer may not perform any action requiring certification by the Commission prior to the date on which the employing agency receives the report of the results of the criminal history record check utilizing fingerprints.

Authority G.S. 17C-6; 17C-10.

SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION

12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS

(a) The basic training course for Juvenile Court Counselors and Chief Court Counselors shall consist of a minimum of ~~154~~ 121 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a Juvenile Court Counselor and a Chief Court Counselor.

(b) Each basic training course for Juvenile Court Counselors shall include training in the following topic areas:

- (1) Juvenile Justice Common Core:
 - (A) Basic Individual Counseling Skills 8 6 hours
 - (B) Interpersonal Communication Skills 8 6 hours
 - (C) Working with Families 3 hours
 - (D) Characteristics of Delinquents 4 hours
 - ~~(E)~~ Unlawful Workplace Harassment 2 hours
 - ~~(F)~~ Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace 2 hours
 - ~~(G)~~(E) Staff and Juvenile Relationships Relationships: Maintaining Professional Boundaries 4 hours
 - ~~(H)~~(F) Gang Awareness 4 2 hours
 - ~~(I)~~(G) Situational Awareness and Risk Assessment 4 hours
 - ~~(J)~~(H) Restraints, Controls, and Defensive Techniques 28 hours
 - ~~(K)~~(I) Mechanical Restraints 4 hours
 - ~~(L)~~(J) Mental Health Youth Mental Health First-Aid 8 hours
 - ~~(M)~~ CPR 4 hours
 - ~~(N)~~ First Aid 4 hours

PROPOSED RULES

(O)	Employee Fitness and Wellness	4 hours
(P) (K)	Trauma and Delinquents	6 hours
(Q) (L)	Driver and Secure Transport Safety	8 <u>4</u> hours
(R) (M)	DMC Addressing DMC within the JJ System Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System	2 hours
(S) (N)	Verbal De-escalation for Juvenile Justice	4 <u>2</u> hours
	Total Hours	111 <u>83</u> hours

(2) Juvenile Court Counselor Specific:

(A)	Roles and Responsibilities	8 hours
(B)	Juvenile Law	8 hours
(C)	Intake	8 hours
(D)	Assessing Risk and Needs	4 <u>6</u> hours
(E)	Report Writing and Documentation	12 <u>8</u> hours
	Total Hours	40 <u>38</u> hours
	Total Course Hours	154 <u>121</u> hours

(c) The "Juvenile Court Counselor Basic Training Manual" as published by the North Carolina Department of Public Safety shall be applied as the curriculum for delivery of Juvenile Court Counselor basic training courses. Copies of this publication may be inspected at or purchased at the cost of printing and postage from the office of the agency:

The Office of Staff Development and Training
Division of Juvenile Justice and Delinquency Prevention
 North Carolina Department of Public Safety
 2211 Schieffelin Road 3010 Hammond Business Place
 Apex, North Carolina 27502
 Raleigh, North Carolina 27603

(d) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court Counselors, the Director of the school conducting the course shall notify the Commission of training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Completion Form is located on the agency's website: http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx.

(e) Employees of the Division of ~~Adult Correction~~ and Juvenile Justice and Delinquency Prevention who have completed the minimum ~~154~~ 121 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.

Authority G.S. 17C-2; 17C-6; 17C-10.

12 NCAC 09B .0236 BASIC TRAINING - JUVENILE JUSTICE OFFICERS

(a) The basic training course for Juvenile Justice Officers shall consist of a minimum of ~~154~~ 117 hours of instruction designed to

provide the trainee with the skills and knowledge to perform those tasks essential to function as a juvenile justice officer.

(b) Each basic training course for Juvenile Justice Officers shall include training in the following identified topic areas:

(1)	Juvenile Justice Common Core:	
(A)	Basic Individual Counseling Skills	8 <u>6</u> hours
(B)	Interpersonal Communication Skills	8 <u>6</u> hours
(C)	Working with Families	3 hours
(D)	Characteristics of Delinquents	4 hours
(E)	Unlawful Workplace Harassment	2 hours
(F)	Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace	2 hours
(G) (E)	Staff and Juvenile Relationships Relationships: Maintaining Professional Boundaries	4 hours
(H) (F)	Gang Awareness	4 <u>2</u> hours
(I) (G)	Situational Awareness and Risk Assessment	4 hours
(J) (H)	Restraints, Controls, and Defensive Techniques	28 hours
(K) (I)	Mechanical Restraints	4 hours
(L) (J)	Mental Health Youth Mental Health First-Aid	8 hours
(M)	CPR	4 hours
(N)	First Aid	4 hours
(O)	Employee Fitness and Wellness	4 hours
(P) (K)	Trauma and Delinquents	6 hours
(Q) (L)	Driver and Secure Transport Safety	8 <u>4</u> hours
(R) (M)	DMC Addressing DMC within the JJ System Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System	2 hours
(S) (N)	Verbal De-escalation for Juvenile Justice	4 <u>2</u> hours
	Total Hours	111 <u>83</u> hours
(2)	Juvenile Justice Officer Specific:	
(A)	Treatment Program Operations	4 hours
(B)	Maintaining Documentation of Activities and Behaviors	8 hours
(C)	Basic Group Leadership Skills	8 <u>4</u> hours
(D)	Effective Behavior Management	10 hours
(E)	Health Services Overview	2 hours
(F)	Contraband and Search Techniques	2 hours
(G)	Suicide Prevention and Response	6 <u>4</u> hours
	Total Hours	40 <u>34</u> hours

Total Course Hours ~~454~~ 117 hours

(c) The "Juvenile Justice Officer Basic Training Manual" as published by the North Carolina Department of Public Safety shall be applied as the curriculum for delivery of Juvenile Justice Officer basic training courses. Copies of this publication may be inspected at or purchased at the cost of printing and postage from the office of the agency:

~~The Office of Staff Development and Training~~
Division of Juvenile Justice and Delinquency Prevention

North Carolina Department of Public Safety
2211 Schieffelin Road 3010 Hammond Business Place
Apex, North Carolina 27502 Raleigh, North Carolina 27603

(d) Upon completion of a Commission-certified training course for Juvenile Justice Officers the Director of the school conducting the course shall notify the Commission of the training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Completion Form is located on the agency's website: http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx.

(e) Employees of the Division of ~~Adult Correction and~~ Juvenile Justice and Delinquency Prevention who have completed the minimum ~~454~~ 117 hour training program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer pursuant to Subparagraph (b)(2) of this Rule.

Authority G.S. 17C-2; 17C-6; 17C-10.

SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS

(a) A person participating in a Commission-certified criminal justice training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification, or Professional Lecturer Certification as outlined in Rules .0302, .0304 and .0306 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accordance with the requirements of this Section and as stated on the applicant's Request for Instructor Certification Form.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specialized areas. Such competence shall include remaining current in the instructor's area of expertise, which shall be demonstrated by attending and completing all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or

requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) suspending the individual's certification for a ~~specified period of time or until acceptable corrective action is taken by the individual; and no more than three years; and~~ revoking the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain competent in the person's areas of expertise;
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Instructor Training Manual" as found in Rule .0209 of this Subchapter;
- (4) has failed to follow specific guidelines outlined in the "Basic Law Enforcement Training Course Management Guide" as found in Rule .0205 of this Subchapter;
- (5) has demonstrated "unprofessional personal" conduct in the delivery of Commission approved or mandated training. For the purposes of this Subparagraph, unprofessional personal conduct is identified as:
 - (A) job-related conduct that constitutes a violation of state or federal law;
 - (B) a conviction or commission of a criminal offense, as set out in 12 NCAC 09A .0204;
 - (C) the willful violation of rules of this Chapter;
 - (D) conduct that is detrimental to instruction in the Commission's mandated courses. Conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment;
 - (E) the physical or verbal abuse of a client or student who the instructor is teaching or supervising; or
 - (F) falsification of an instructor application or other employment documentation;
- (6) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial, financial, dating, or sexual, even if consensual; and fails to take

immediate and appropriate corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant to notify his or her managing personnel in writing of the relationship and requires the instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the relationship exists:

- (A) the written notice to managing personnel shall include:
 - (i) school/agency name;
 - (ii) name of course;
 - (iii) name of the instructor, School Director, or Qualified Assistant;
 - (iv) name of student;
 - (v) name of managing personnel; and
 - (vi) nature of the relationship;
 - (B) the written notice from the school/agency managing personnel to the Standards Division shall be submitted within 10 days of receipt of notice from the instructor, School Director, or Qualified Assistant and shall include:
 - (i) school/agency name;
 - (ii) name of course;
 - (iii) name of the instructor, School Director, or Qualified Assistant;
 - (iv) name of student;
 - (v) name of managing personnel;
 - (vi) nature of the relationship; and
 - (vii) explanation of action taken to ensure the named instructor, School Director, or Qualified Assistant is not in violation of this Rule;
- (7) has demonstrated instructional incompetence;
 - (8) has knowingly and willfully obtained or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;
 - (9) has failed to meet or maintain good moral character as defined in: *In re Willis*, 288 N.C. 1, 215 S.E.2d 771, appeal dismissed, 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E.2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174 (1989); *In re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to discharge the duties of a criminal justice instructor;
 - (10) has failed to deliver training in a manner consistent with the Qualified Retired Law

Enforcement Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102;

- (11) has knowingly and willfully aided or attempted to aid any person in obtaining qualification or certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program by deceit, fraud, or misrepresentation;
- (12) has committed or been convicted of an offense that could result in the denial, suspension, or revocation of an officer's law enforcement certification, pursuant to 12 NCAC 09G .0504; or
- (13) has knowingly made a material misrepresentation of any information required for certification or accreditation.

(f) When a person certified as a law enforcement officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs' Commission), the North Carolina Department of Insurance, Office of State Fire Marshal, Fire Rescue Commission (Fire Commission), Office of Emergency Medical Services North Carolina Company/Campus Police Program; or a North Carolina, out of state or federal approving, certifying or licensing agency; has been denied certification or had his or her certification suspended or revoked by their respective Commission, or agency the State or local law enforcement officer shall report the suspension or revocation to the Criminal Justice Standards Division within five days. The General Instructor Certification (if applicable) shall be automatically suspended or revoked for the same time period as his or her respective Commission certification in accordance with the following:

- (1) this suspension or revocation of the General Instructor certification shall also include suspension or revocation to any Commission recognized specialized or additional instructor certification, as outlined in Rule .0304 of this Section;
- (2) if the term of suspension or revocation exceeds the expiration date of the instructor's initial certification expiration date, he or she shall forfeit their certifications as a General Instructor and Specialized Instructor and shall be required to obtain certification pursuant to the requirements of Rule .0302 of this Section before any instruction may be delivered in any Commission-approved or mandated training, including the completion of a subsequent General Instructor's training course in its entirety; and
- (3) if the term of suspension or revocation does not exceed the expiration date of the instructor's initial certification expiration date, the instructor shall be reinstated as a General Instructor only upon reinstatement of his or her law enforcement officer certification by the Commission. The terms of renewal for the

existing General Instructor and Specialized Instructor certifications shall remain subject to all renewal requirements pursuant to Rule .0303(d) of this Section by the next expiration date.

- (4) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09B ~~.0101(5)~~; .0101; and
- (5) either:

- (A) submit a copy of the Commission's annual in-service training report form to the employing agency for placement in the officer's permanent personnel file when the duty and off duty weapons remain the same as those previously used to qualify. Such in-service training compliance shall have occurred within the 12 month period preceding transfer; or
- (B) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106.

Authority G.S. 17C-6.

SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS

12 NCAC 09C .0306 LATERAL TRANSFER OF LAW ENFORCEMENT OFFICERS

(a) A law enforcement officer with general certification from either the Criminal Justice Education and Training Standards Commission or the Sheriffs' Education and Training Standards Commission may transfer from one law enforcement agency to another law enforcement agency with less than a 12 month break in law enforcement service. Prior to employing the officer, the employing agency shall:

- (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs' Standards Division;
- (2) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed for non-certified new applicants. No certification shall be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized;
- (3) advise the officer that he will be serving under a probationary appointment with the agency for one year; and
- (4) notify the Commission by submitting a Report of Appointment that the officer is being employed and stating the date on which employment will commence.

(b) Prior to transfer of certification, the law enforcement officer officers with more than a 30 day gap in employment by an agency shall:

- (1) complete a Medical History Statement Form within one year prior to the transfer to the employing agency;
- (2) submit to examination by a surgeon, physician, physician assistant, or nurse practitioner licensed to practice medicine in North Carolina in the same manner prescribed for non-certified new applicants in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
- (3) submit results of the physical examination to the employing agency for placement in the officer's permanent personnel file;

(c) Law enforcement officers who are transferring from one agency to another and have no more than a 30 day gap in employment with an agency are not required to complete the requirements outlined in section (b) of this Rule. They shall be certified providing:

- (1) the officer satisfactorily completes the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106.
- (2) the separating agency submits an F5B with no negative comments regarding investigations or Commission rule violations
- (3) the employing agency conducts a background, as outlined in 12 NCAC 09B .0102, that does not reveal misconduct or Commission rule violations.

~~(e)~~(d) Officers previously certified who were not previously required to meet the educational or basic training requirements shall not be required to meet such requirements when laterally transferring to another agency with less than a 12-month break in law enforcement service.

~~(d)~~(e) For currently certified full time officers with no break in service, upon written request from the department head of the hiring agency, the Division shall waive for a period of no more than 60-days from the receipt of the Report of Appointment by the Standards Division the requirements of Subparagraphs of (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5) of this Rule. The Report of Appointment Form is located on the agency's website: [http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-\(DJJD\)--6-11.aspx](http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJD)--6-11.aspx).

Authority G.S. 17C-6; 17C-10.

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0103 DEPARTMENT HEAD

RESPONSIBILITIES: ANNUAL IN-SERVICE TRAINING

The Department head shall ensure that the annual in-service training is conducted according to specifications as outlined in Rules 09E .0105 and 09E .0106. In addition, the Department head or designated representative:

- (1) shall review departmental policies regarding the use of force during the agency's annual in-service training program. The Department head or designated representative shall certify that this review has been completed by submitting a Commission form to the Criminal Justice Standards Division; and
- (2) shall report to the Criminal Justice Standards Division once each calendar year a roster of all law enforcement officers who fail to successfully complete the annual in-service training and firearms qualification and shall certify that all law enforcement officers in the agency not listed did successfully complete the training. This roster shall reflect the annual in-service training and firearms qualification status of all law enforcement officers employed by the agency as of December 31 of each calendar year and shall be received by the Criminal Justice Standards Division no later than the following January 1st; ~~and 15th.~~ Officers having completed Basic Law Enforcement Training and passed the comprehensive state final examination in this same calendar year must complete the annual in-service training for the year if they were sworn in between January 1st and June 30th of that year. Officers sworn in between July 1st and December 31st must complete the annual in-service training by June 30th of the following year, and
- (3) shall maintain in each officer's file documentation on a Commission form that the officer has completed the annual in-service training requirement; and
- (4) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E .0106(a) and (b), prohibit access to such weapon(s) until such time as the officer obtains qualification; and
- (5) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E .0106(d), prohibit the possession of such weapon(s) while on duty or when acting in the discharge of that agency's official duties, and shall deny the officer authorization to carry such weapon(s) concealed when off-duty, except when the officer is on his own premises; and
- (6) shall, where the officer has access to any specialized or tactical weapon(s) not specifically covered in Rule 09E .0106(a) and (b), use industry accepted practices and

procedures to ensure that officers authorized to use such weapon(s) are qualified. Where the officer fails to qualify, the agency head or designated representative shall restrict access to such weapon(s).

Authority G.S. 17C-6; 17C-10.

**SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS
EMPLOYMENT, TRAINING, AND CERTIFICATION**

**SECTION .0300 - CERTIFICATION OF
CORRECTIONAL OFFICERS, PROBATION/PAROLE
OFFICERS, AND INSTRUCTORS**

**12 NCAC 09G .0307 CERTIFICATION OF
INSTRUCTORS**

(a) A person participating in a Commission-accredited corrections training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification or Professional Lecturer Certification as outlined in Rules .0308, .0310, and .0311 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accord with the requirements of this Section and as stated on the applicant's Request for Instructor Certification Form.

(c) In addition to all other requirements of this Section each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and completing any instructor all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) suspending the individual's certification for a ~~specified period of time or until acceptable corrective action is taken by the individual; or~~ no more than three years; or
- (5) revoking the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain currently knowledgeable in the person's areas of expertise by failing to

- attend trainings as required by the rules in this Chapter;
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Basic Instructor Training Manual" as found in Rule .0414 of this Subchapter;
- (4) has failed to follow specific guidelines outlined in the basic corrections officers' training manual set out in Rules .0411 through .0416 of this Subchapter;
- (5) has demonstrated unprofessional personal conduct in the delivery of Commission approved or mandated training. For the purposes of this Subparagraph "unprofessional personal conduct" is identified as:
 - (A) job-related conduct that constitutes a violation of state or federal law;
 - (B) conviction or commission of a criminal offense as set out in Rule .0504 of this Subchapter;
 - (C) the willful violation of rules of this Chapter;
 - (D) conduct that is detrimental to instruction in the Commission's mandated courses. For purposes of this Chapter, conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment;
 - (E) the physical or verbal abuse of a client or student who the instructor is teaching or supervising; or
 - (F) falsification of an instructor application or other employment documentation;
- (6) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial, financial, dating, or sexual even if consensual; and fails to take immediate and appropriate corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant to notify his or her managing personnel in writing of the relationship and requires the instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the relationship exists and
 - (A) the written notice to managing personnel shall include:
 - (i) school/agency name;
 - (ii) name of course;
 - (iii) name of the instructor, School Director, or Qualified Assistant;
 - (iv) name of student;
 - (v) name of managing personnel; and
 - (vi) nature of the relationship;
 - (B) the written notice from the school/agency managing personnel to the Standards Division shall be submitted within 10 days of receipt of notice from the instructor, School Director, or Qualified Assistant and shall include:
 - (i) school/agency name;
 - (ii) name of course;
 - (iii) name of the instructor, School Director, or Qualified Assistant;
 - (iv) name of student;
 - (v) name of managing personnel;
 - (vi) nature of the relationship; and
 - (vii) explanation of action taken to ensure the named instructor, School Director, or Qualified Assistant is not in violation of this Rule;
 - (7) has demonstrated instructional incompetence;
 - (8) has knowingly and willfully obtained, or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;
 - (9) has failed to meet or maintain good moral character as defined in: *In re Willis*, 288 N.C. 1, 215 S.E.2d 771, appeal dismissed, 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E.2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174 (1989); *In re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to discharge the duties of a criminal justice instructor;
 - (10) has committed or been convicted of an offense that could result in the denial, suspension, or revocation of an officers certification pursuant to Rules .0204 or .0504 of this Subchapter;
 - (11) has knowingly made a material misrepresentation of any information required for certification or accreditation.
- (f) When a person certified as an officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs' Commission), the North Carolina Department of Insurance, Office of State Fire Marshal, Fire Rescue Commission (Fire Commission), Office of Emergency Medical Services and the North Carolina Company/Campus Police Program; or a similar North Carolina,

out of state or federal approving, certifying or licensing agency has been denied certification or had his or her certification suspended or revoked by their respective Commission or agency the officer shall report the suspension or revocation to the Criminal Justice Standards Division within five days. The General Instructor certification shall be (if applicable) suspended or revoked for the same time period as their respective Commission in accordance with the following:

- (1) this suspension or revocation of the General Instructor certification shall also include suspension or revocation to any Commission recognized specialized or additional instructor certification, as outlined in Rule .0310 of this Section;
- (2) if the term of suspension or revocation exceeds the expiration date of the instructor's initial certification expiration date, they shall forfeit their certifications as a General Instructor and Specialized Instructor and shall be required to obtain certification pursuant to the requirements of Rule .0304 of this Section before any instruction may be delivered in any Commission-approved or mandated training, including the completion of a subsequent General Instructor's training course in its entirety; and
- (3) if the term of suspension or revocation does not exceed the expiration date of the instructor's initial certification expiration date, the instructor shall be reinstated as a General Instructor only upon reinstatement of his or her law enforcement officer certification by the Commission. The terms of renewal for the existing General Instructor and Specialized Instructor certifications shall remain subject to all renewal requirements pursuant to Rule .0309(c) of this Section by the next expiration date.

Authority G.S. 17C-6; 17C-10.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Public Safety intends to adopt the rules cited as 14B NCAC 03 .0501-.0509.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncdps.gov

Proposed Effective Date: January 1, 2024

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): A request for public hearing must be made within 15 days of notice. Email Rulemaking Coordinator Will Polk at will.polk@ncdps.gov to request a public hearing.

Reason for Proposed Action: *The Department of Public Safety, Division of Emergency Management is promulgating permanent rules as required under N.C. Sess. Law 1993-769. The necessity of a State Regional Response Team Program has been made apparent through the significant number of hazardous materials incidents that have required coordinated and qualified resources to augment local hazardous materials response capabilities. Rules are required to ensure an equitable implementation of the NC Regional Response Team Program. The NC Regional Response Team Program is a partnership between local and State governments where the State augments local response capabilities to enhance disaster response capabilities through a regional approach. These rules establish standards for eligibility, resource type, and response expectations both administratively as well as operationally when responding under the authorities of the NC Regional Response Team Program. The rules of this section only apply to those entities who elect to participate in the program and establish the standards and requirements of program participation as well as the expectations on the NC Division of Emergency Management in administration of this program.*

Comments may be submitted to: Will Polk, NC Department of Public Safety, 4201 Mail Service Center, Raleigh, NC 27699-4201; phone (919) 825-2706; email will.polk@ncdps.gov

Comment period ends: November 1, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 03 – EMERGENCY MANAGEMENT

SECTION .0500 - NORTH CAROLINA HAZARDOUS MATERIAL REGIONAL RESPONSE PROGRAM

14B NCAC 03 .0501 PURPOSE

(a) The purpose of this section is to prescribe requirements pertaining to the North Carolina Department of Public Safety's Division of Emergency Management administered North Carolina Hazardous Materials Regional Response Team Program.

(b) This section applies to all persons or entities of the North Carolina Hazardous Materials Regional Response Team Program made parties pursuant to G.S. 166A-22.

Authority G.S. 166A-22.

14B NCAC 03 .0502 ABBREVIATIONS AND DEFINITIONS

As used in this section, the following abbreviations and terms mean:

- (1) "Activation" means the status of a program resource placed at the direction, control, and funding of NCEM as part of the NC RRT Program.
- (2) "All-hazards Disaster Response Model" means a response methodology where program resources provide all applicable capability to respond to any threat or hazard that is impacting the state or is forecasted to impact the State as determined by the NCEM Director.
- (3) "Authority Having Jurisdiction" (AHJ) means those local, State, tribal or federal entities having a duty to act over a specific aspect of hazardous materials in a specific geographic area.
- (4) "County to County Mutual Aid" means public safety resource sharing under the conditions of the NC Statewide Mutual Aid Agreement or another similar agreement between political subdivisions.
- (5) "Federal Emergency Management Agency" (FEMA) means is an agency of the United States Department of Homeland Security with the responsibility to coordinate the federal response to a Presidentially-declared disaster that has occurred in the United States and that overwhelms the resources of local and State authorities.
- (6) "FEMA Public Assistance Program" means a federal reimbursement grant program that provides federal funding to help communities respond to and recover from disasters.
- (7) "Functionally equivalent" means an item or group of items that can be used in the same basic manner as another item or items to perform a task to the same standard.
- (8) "Incident Commander" (IC) means the individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the

management of all incident operations at the incident site.

- (9) "Local Emergency Management Coordinator" (LEMC) means the County Emergency Management Coordinator as defined in G.S. 166A-19.15 who is responsible for all local disaster preparedness, response, and recovery activities in a specific geographic area. county.
- (10) "North Carolina Hazardous Materials Regional Response Team Technical Advisory Committee" (NC RRT TAC) means an advisory committee established in Article 2 of Chapter 166A of the North Carolina General Statutes to advise the Secretary of the North Carolina Department of Public Safety and the North Carolina Division of Emergency Management on the management of hazardous materials emergencies.
- (11) "North Carolina Division of Emergency Management" (NCEM) means a division of the North Carolina Department of Public Safety established in G.S. 143B-1000 with the responsibility to coordinate the mitigation, planning, preparedness, response, and recovery to a disaster or emergency that has or is forecasted to occur in the State as determined by the NCEM Director.
- (12) "North Carolina Emergency Management Operations Chief" (NCEM OSC) means the Assistant Director of Operations for the North Carolina Division of Emergency Management.
- (13) "North Carolina Emergency Management Director" (NCEM Director) means the Director of the North Carolina Division of Emergency Management.
- (14) "National Incident Management System" (NIMS) means a federal policy that provides a systematic, proactive approach guiding government agencies at all levels, nongovernmental organizations, and the private sector to work to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, to reduce the loss of life or property and harm to the environment.
- (15) "On-duty" means when a person is acting functioning, paid or unpaid, as an agent of their Sponsoring Agency or of the NC Division of Emergency Management as part of the NC RRT Program.
- (16) "Program agreements" means contracts, memoranda of agreements, or memoranda of understanding between NCEM and regional response teams for the purposes of establishing and maintaining the NC RRT Program.
- (17) "Program costs" means training, equipment, personnel, or administrative expenses incurred by a Sponsoring Agency during activities of the NC RRT Program.

- (18) "Program personnel" means human resources from a regional response team with an active program agreement with the Division of Emergency Management for hazardous materials response or human resources employed on a full-time or part-time basis by the Division of Emergency Management with a responsibility for hazardous materials response.
- (19) "Program resource" means personnel or equipment from a regional response team that is participating in the NC RRT Program with an active program agreement with the North Carolina Division of Emergency Management for hazardous materials response.
- (20) "Qualified personnel" means an individual that meets the training and medical monitoring requirements established by 29 CFR 1910.120(a)(3) which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at no cost at: <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.120>; National Fire Protection Association Standard 470 as it relates to Hazardous Materials Technicians which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found for ninety dollars (\$90.00) at: <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=470>; and 29 CFR 1910.134 which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at no cost at: <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.134>.
- (21) "Resource typing" means a document defining and categorizing, by capability, the program resources requested, deployed, and used in incidents.
- (22) "Responsible Party" means the entity whose actions or inactions caused an event as determined by the authority having jurisdiction requiring program resources to respond and incur costs.
- (23) "Sensitive information" means any information, to include but not limited to audio recordings, images, and video recordings obtained during an activation that has not been released to the public by the AHJ.
- (24) "Sponsoring Agency" means a local or tribal unit of government or a corporation with an active response agreement with a local unit of government that organizes and coordinates a regional response team in the NC RRT Program.

- (25) "State Emergency Operations Plan" (SEOP) means a document maintained under the authority of G.S. 166A-19.12(2) that details how the State of North Carolina will respond to a disaster or emergency requiring State assistance utilizing an established comprehensive, all-hazards approach All-Hazards Disaster Response Model.
- (26) "State Mission Assignment" (State Mission) means a NCEM approved request for assistance to deploy program resources at the request of a local unit of government.

Authority G.S. 166A-22; 166A-23; 166A-25; 166A-26; 166A-27.

14B NCAC 03 .0503 DISPATCH OF A REGIONAL RESPONSE TEAM

- (a) Program resources shall employ the All-Hazards Response Model.
- (b) NCEM shall maintain direction and control of any deployed program resources that have been deployed through action of NCEM until a time that they have been demobilized or the program resource is needed by the Sponsoring Agency.
- (c) Any resource of the NC RRT Program remains a local resource when not deployed by NCEM and may deploy within their county under their local authorities or agreements, notwithstanding any action by the State. Participation in the NC RRT Program shall not limit or supersede their local authorities, responsibilities, or agreements when the program resource is deploying under those authorities or agreements.
- (d) Program resources shall be deployed by the State using a State Mission Assignment.
- (e) The IC, LEMC, an NCEM official, Secretary of Public Safety, and the Governor shall have the authority to request program resources. The IC may be from local law enforcement agencies, fire departments, rescue squads, and any other local, state, or federal authority having jurisdiction.

Authority G.S. 166A-22; 166A-23.

14B NCAC 03 .0504 ON-SITE OPERATIONS OF A PROGRAM RESOURCE

All NC RRT Program resources shall operate in accordance with the following standards of response:

- (1) FEMA NIMS standards which are adopted and are incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and can be found at no cost at: https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf;
- (2) following all direction from NCEM personnel acting pursuant to G.S. 166A-19.12(1) when deploying as a program resource;
- (3) when responding in support of law enforcement operations, program resources shall coordinate activities with the law enforcement authorities to ensure their actions support any potential criminal investigation; and

- (4) program resources shall not release any sensitive information to the public or media during operations without the consent of the local, State, or federal authority having jurisdiction consistent with Chapter 132 of the North Carolina General Statutes.

- (3) Responsible parties shall remit payment to NCEM within 30 days of receipt of the invoice via certified mail.

Authority G.S. 166A-22; 166A-27.

Authority G.S. 166A-22.

14B NCAC 03 .0505 STANDARDS FOR ADMINISTRATION OF A REGIONAL RESPONSE TEAM, INCLUDING PROCEDURES FOR REIMBURSEMENT OF RESPONSE COSTS.

(a) Program resources shall maintain the following personnel records and have them available for audit:

- (1) Responder medical history; and
- (2) Emergency contact information.

(b) Program personnel shall be in an on-duty status as an emergency management worker as defined in G.S. 166A-19.60(e).

(c) Program resources shall maintain a current team roster.

(d) Program resources shall maintain all program personnel training, certification, and credentials as outlined in Rule .0509 in this Section.

(e) Program resources shall maintain all inventory and maintenance records for deployable equipment.

(f) Program resource records must be available for review by NCEM officials to ensure compliance.

(g) Within 45 days of demobilization from a state mission, system resources shall submit documentation receipts, expense reports, and supporting documentation of actual costs to NCEM for reimbursement consistent with the FEMA Public Assistance Program and Policy Guide which is adopted and incorporated by reference with subsequent changes or amendments pursuant to G.S. 150B-21.6 and is available at no cost at: https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf.

Authority G.S. 166A-19.60; 166A-22; 166A-23; 42 U.S.C. 5121 et seq; 44 CFR Part 206.

14B NCAC 03 .0506 RECOVERING THE COSTS OF A REGIONAL RESPONSE TEAM

NCEM shall seek reimbursement from the responsible party for system response costs.

- (1) NCEM shall determine who the responsible party is for all State Missions in coordination with the authority having jurisdiction. Determination as the responsible party shall not be a determination of contributory negligence or other potential liabilities of any third parties for some aspect of the incident.
- (2) NCEM shall bill responsible parties' response costs to include personnel and equipment costs payable to NCEM for reimbursement consistent with FEMA Public Assistance Program and Policy Guide.

14B NCAC 03 .0507 PROCEDURES FOR BIDDING AND CONTRACTING FOR REGIONAL RESPONSE TEAM.

(a) Eligibility for participation as a Sponsoring Agency as a regional response team:

- (1) be a local unit of government, tribal government, or a corporation with an active response agreement with a local or tribal unit of government;
- (2) maintain participation in the statewide mutual aid agreement; and
- (3) ensure all personnel possess the qualifications as outlined in Rule .0509 of this Section.

(b) Regional response teams – Within 18 months of a new contract period, NCEM shall electronically distribute a bid announcement via electronic mail to all program resources and local emergency management coordinators for interested parties to return a letter of interest. NCEM shall distribute an electronic bid package to all interested parties that shall be returned to NCEM.

- (1) Regional response teams shall be limited to seven regionally based teams. Each team will be assigned a primary response region in the state.
- (2) The bidding agency agencies shall be in that specified response region.
- (3) The NCEM Director or designee shall establish a review committee. This committee will open all completed sealed bid packages and evaluate them based on an agreed-upon criteria as outlined in Rule .0508 of this Section at a date to be set by the NCEM Director or designee.
- (4) The committee shall develop a bid package review summary that includes their recommendations for selections that will be sent to the NCEM Operations Chief for concurrence before being reviewed and approved by the NCEM Director.
- (5) Agencies that are successful in the bid process will be notified and program agreements shall be drafted and executed.
- (6) NCEM shall draft, execute, and maintain a program agreement with the Sponsoring Agency for the program resource to maintain participation in the program.
 - (A) NCEM shall execute and maintain a program agreement with the Sponsoring Agency that outlines the scope of work that the team shall follow to enable reimbursement of eligible training, equipment, administrative, and personnel costs associated with maintaining and

deploying a regional response team. The program agreement shall be limited to the four-year contract period with an optional one-year extension.

(B) Funds reimbursed through this agreement shall go directly to cover program costs and be utilized by the Sponsoring Agency for the purposes of this program.

(C) The Sponsoring Agency shall maintain all records of any program spending and shall not comingle funds or use program funding for any other purpose other than for the purposes of this program.

Authority G.S. 166A-22, 166A-23.

14B NCAC 03 .0508 CRITERIA FOR EVALUATING BIDS FOR CONTRACT RESPONSE TEAM

(a) Bidding agency shall:

- (1) be submitted via courier, United States Mail, or hand delivered by an authorized representative of a local unit of government, tribal government, or corporation that maintains an active response agreement with a local or tribal unit of government;
- (2) provide a plan for the bidding entity to deploy the required personnel;
- (3) provide a plan for the bidding entity to maintain the required number of personnel trained per Rule .0509 of this Section; and
- (4) ensure all participating members possess the qualifications outlined in Rule .0509 of this Section.

(b) Bids shall be evaluated on:

- (1) geographic location of team base;
- (2) ability to maintain the required number of trained personnel to ensure response readiness
- (3) ability to maintain and care for any program-provided equipment;
- (4) availability of local equipment to support response activities;
- (5) availability to maintain dedicated administrative staff to ensure management of administrative duties, training, and logistical requirements;
- (6) experience responding to hazardous materials incidents as a technician-level entry capability;
- (7) consistent with federal procurement rules as outlined in 2 CFR Part 200 which is adopted and incorporated by reference with subsequent changes or amendments pursuant to 150B-21.6 and can be found at no cost at: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>; and
- (7) consistent with State procurement rules as outlined in 01 NCAC 05 which is adopted and incorporated by reference with subsequent

changes or amendments pursuant to G.S. 150B-21.6 and can be found at no cost at: <http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2001%20-%20Administration\Chapter%2005%20-%20Purchase%20and%20Contract>

Authority G.S. 166A-22; 166A-23.

14B NCAC 03 .0509 PERSONNEL, TRAINING, AND EQUIPMENT STANDARDS FOR REGIONAL RESPONSE TEAM REQUIREMENTS FOR ALL PROGRAM PERSONNEL:

(a) Requirements for all system personnel

- (1) Qualified personnel shall be no less than 18 years of age;
- (2) Qualified personnel shall be an employee of a Sponsoring Agency or an employee of the North Carolina Division of Emergency Management. By participating in this program, program personnel remain employees of their Sponsoring Agency and at no time become State employees entitled to State benefits unless they are an employee of NCEM;
- (3) Qualified personnel shall maintain no less than 48 hours of hazardous material training annually;
- (4) while participating in any program activity personnel shall be considered emergency management workers as defined in G.S. 166A-19.60; and
- (5) Qualified personnel shall possess the qualifications of character and general fitness requisite for a public servant and be of good moral character and entitled to the high regard and confidence of the public as evidenced by not having been convicted by a local, state, federal, or military court of:
 - (A) a felony;
 - (B) a crime or unlawful act defined as a Class 1A, Class 1, or Class 2 misdemeanor within the five-years prior or four or more crimes or unlawful acts as defined as a Class 1A, Class 1, or Class 2 misdemeanor regardless of the date of conviction;
 - (C) not having been convicted of an offense that would prohibit the possession of a firearm or ammunition, under 18 U.S.C. 922, which is hereby incorporated by reference with subsequent amendments and editions under G.S. 150B-21.6 can be found at no cost <https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf>;

- (D) being truthful in providing information to the appointing agency;
- (E) not having pending or outstanding charges that, if convicted, would exclude eligibility under this Rule.
- (6) make the following notifications:
 - (A) within seven days of the qualifying event, notify the Sponsoring Agency in writing of all criminal or traffic offenses for which the individual is charged or arrested;
 - (B) within seven days of the qualifying event, notify the Sponsoring Agency in writing of all criminal offenses for which the individual pleads no contest, pleads guilty, or convicted;
 - (C) within seven days of service, shall notify the Sponsoring Agency that he or she has been served by a judicial official;
 - (D) within seven days of the date the case was disposed of in court, the Sponsoring Agency, provided they have knowledge of program personnel's arrests or criminal charges and final dispositions, shall also notify the NCEM of arrests or criminal charges and final disposition of the criminal charges against program personnel; and
 - (E) within seven days of the issuance of all Domestic Violence Protective Orders pursuant to G.S. 50B and Civil No Contact Orders pursuant to G.S. 50C, the Sponsoring Agency, provided they have the knowledge of the order, shall also notify NCEM of these orders.

(b) Requirements for all system equipment:

- (1) equipment shall be made available for inspections and inventory by NCEM personnel;
- (2) program resources shall maintain any state-owned equipment per manufacturer's recommendations and immediately notify NCEM of any damage to state owned and issued equipment; and
- (3) upon separation, all program resources shall return all state property within 30 days to NCEM.

(c) Regional Response Team Personnel and Training Requirements:

- (1) Regional Response Teams shall maintain at all times a minimum of 28 qualified personnel;
- (2) Regional Response Teams shall maintain any additional support personnel as required for a technician-level entry team. These personnel must additionally meet the requirements of 29 CFR 1910.120 to operate on a hazardous materials incident scene but are not required to

be qualified to make entry into a hazardous or potentially hazardous environments;

- (3) NCEM shall be responsible to provide any additional technical specialists required to support Regional Response Team operations;
- (4) Regional Response Teams shall respond with qualified personnel who are capable of providing a regional response to hazardous materials incidents requiring technician-level entry capability as that term is and as defined in G.S. 166A-21; and
- (5) Regional Response Teams shall limit its hazardous materials response team activity to that within the safety and training levels specified by 29 CFR 1910.120.

(d) Regional Response Team Equipment Requirements:

- (1) Regional response teams shall maintain a functionally equivalent cache of equipment required in the FEMA Resource Typing Document for a Type II Hazardous Materials Response Team, which is adopted and incorporated by reference with subsequent changes or amendments under G.S. 150B-21.6, as outlined in the latest published standard by FEMA and can be found at: <https://rslt.preptoolkit.fema.gov/Public/Resource/View/4-508-1248?q=hazardous%20materials> at no cost.
- (2) Equipment shall be maintained in a state of readiness and with a means to transport all required equipment.

Authority G.S. 166A-21; 166A- 22; 166A-23.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Alarm Systems Licensing Board intends to amend the rules cited as 14B NCAC 17 .0202, .0502 and repeal the rule cited as 14B NCAC 17 .0208.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) is available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/dps-services/permits-licenses/alarm-system-licensing-board>

Proposed Effective Date: January 1, 2024

Public Hearing:

Date: September 19, 2023

Time: 2:00 p.m.

Location: Conference Room, ASLB Office 3101 Industrial Drive, Suite 104 Raleigh, NC 27609

Reason for Proposed Action: *The amendment to .0202 opens up the rule for additional sources for minimum training. The*

amendment to .0502 allows continuing education credit for attending a Board meeting virtually. The Board never developed a video training session and has no plans to in the future, therefore .0208 is being repealed.

Comments may be submitted to: Paul Sherwin, 3101 Industrial Dr., Suite 104, Raleigh, NC 27609; phone (919) 788-5320; email paul.sherwin@ncdps.gov

Comment period ends: October 31, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 17 - ALARM SYSTEMS LICENSING BOARD

SECTION .0200 – PROVISIONS FOR LICENSEES

14B NCAC 17 .0202 EXPERIENCE REQUIREMENTS FOR LICENSE

Applicants for an alarm system license shall meet the following requirements, which are in addition to those specified in G.S. 74D:

- (1) establish two year's experience within the past five years in alarm systems installation or service, or alarm systems business management; or
(2) no longer than one year prior to the application date, successfully complete the Certified Alarm Technician Level I Course offered by the National Electronic Security Association, Elite CEU's on-line training course, or Complete Electrical Academy's Level I training course. Association or equivalent.

Authority G.S. 74D-5.

14B NCAC 17 .0208 TRAINING REQUIREMENTS FOR ALARM LICENSEES

Authority G.S. 74D-5(a)(2).

SECTION .0500 - CONTINUING EDUCATION FOR LICENSEES

14B NCAC 17 .0502 REQUIRED CONTINUING EDUCATION HOURS

Each licensee shall complete a minimum of six credit hours of continuing education training during each two-year renewal period. Each registrant shall complete a minimum of three credit hours of continuing education training during each renewal period. Only registrants who engage in installation, service, sales, or monitoring of alarm systems shall be required to complete the continuing education requirements. Credit shall be given only for classes that have been preapproved by the Board. A licensee or registrant who attends a complete meeting of a regularly scheduled meeting of the Alarm Systems Licensing Board in person shall receive three credit hours for each meeting that the licensee or registrant attends. attends and shall receive one credit hour for each meeting that the licensee or registrant views virtually. The Board-approved continuing education form(s) showing the credit hours earned must be uploaded online and submitted with each licensee or registrant's online application submission.

Authority G.S. 74D-2; 74D-5.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to amend the rules cited as 15A NCAC 07H .1103, .1203, .1303, .1403, .1503, .1903, .2003, .2103, .2203, .2403, .2503, .2703; 07J .0204 and .0404-.0406.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules/proposed-rules

Proposed Effective Date: January 1, 2024

Public Hearing:

Date: September 21, 2023

Time: 1:15 p.m.

Location: Riverfront Convention Center, 203 S. Front St., New Bern, NC 28560

Reason for Proposed Action: The proposed rule amendments increase fees for most Coastal Area Management (CAMA) permit actions, including increasing fees for all General Permits.

Comments may be submitted to: Braxton Davis, 400 Commerce Avenue, Morehead City, NC 28557; phone (252) 515-5400; email Braxton.Davis@deq.nc.gov

Comment period ends: October 31, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 07 - COASTAL MANAGEMENT

SUBCHAPTER 07H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .1100 - GENERAL PERMIT FOR CONSTRUCTION OF BULKHEADS AND RIPRAP REVETMENTS FOR SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .1103 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00) for riprap revetments sited at or above normal high water or normal water level, or a permit fee of~~ four hundred dollars (\$400.00) for riprap ~~revetments sited below normal high water or normal water level.~~ revetments. The applicant shall pay a permit fee of four hundred dollars (\$400.00) for bulkheads. Permit fees shall be paid by check or money order payable to the ~~Department.~~ Department of Environmental Quality.

Authority G.S. 113-119.1; 113-229; 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-124.

SECTION .1200 - GENERAL PERMIT FOR CONSTRUCTION OF PIERS AND DOCKING FACILITIES: IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .1203 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) by check or money order payable to the ~~Department.~~ Department of Environmental Quality.

Authority G.S. 113-119.1; 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-124.

SECTION .1300 – GENERAL PERMIT TO CONSTRUCT BOAT RAMPS ALONG ESTUARINE AND PUBLIC TRUST SHORELINES AND INTO ESTUARINE AND PUBLIC TRUST WATERS

15A NCAC 07H .1303 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) by check or money order payable to the Department of Environmental Quality.

Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; 113A-124.

SECTION .1400 - GENERAL PERMIT FOR CONSTRUCTION OF GROINS IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .1403 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) by check or money order payable to the Department of Environmental Quality.

Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; 113A-124.

SECTION .1500 - GENERAL PERMIT FOR EXCAVATION WITHIN OR CONNECTING TO EXISTING CANALS, CHANNELS, BASINS, OR DITCHES IN ESTUARINE WATERS, PUBLIC TRUST WATERS, AND COASTAL SHORELINE AECS

15A NCAC 07H .1503 APPLICATION FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00) for maintenance excavation of 100 cubic yards or less~~ or four hundred dollars (\$400.00) for maintenance excavation ~~of~~ up to 1,000 cubic yards. Permit fees shall be paid by check or money order payable to the Department of Environmental Quality.

Authority G.S. 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1; 113A-124.

SECTION .1900 – GENERAL PERMIT TO ALLOW FOR TEMPORARY STRUCTURES WITHIN THE ESTUARINE AND OCEAN SYSTEMS AECS

15A NCAC 07H .1903 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) by check or money

order payable to the ~~Department~~ Department of Environmental Quality.

Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1.

SECTION .2000 - GENERAL PERMIT FOR AUTHORIZING MINOR MODIFICATIONS AND REPAIR TO EXISTING PIER/MOORING FACILITIES IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .2003 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) by check or money order payable to the Department of Environmental Quality.

Authority G.S. 113A-107; 113A-118.1; 113A-119.1.

SECTION .2100 - GENERAL PERMIT FOR CONSTRUCTION OF SHEETPILE SILL FOR SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS AND OCEAN HAZARD AREAS

15A NCAC 07H .2103 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department of Environmental Quality.

Authority G.S. 113A-107; 113A-118.1; 113A-119.1.

SECTION .2200 – GENERAL PERMIT FOR CONSTRUCTION OF FREESTANDING MOORINGS AND BIRD NESTING POLES IN ESTUARINE WATERS AND PUBLIC TRUST AREAS AND OCEAN HAZARD AREAS

15A NCAC 07H .2203 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department of Environmental Quality.

Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1.

SECTION .2400 - GENERAL PERMIT FOR PLACEMENT OF RIPRAP REVETMENTS FOR WETLAND PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS

15A NCAC 07H .2403 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department of Environmental Quality.

Authority G.S. 113A-107; 113A-118.1; 113A-119.1.

SECTION .2500 - EMERGENCY GENERAL PERMIT, TO BE INITIATED AT THE DISCRETION OF THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR REPLACEMENT OF STRUCTURES, THE RECONSTRUCTION OF PRIMARY OR FRONTAL DUNE SYSTEMS, AND THE MAINTENANCE EXCAVATION OF EXISTING CANALS, BASINS, CHANNELS, OR DITCHES, DAMAGED, DESTROYED, OR FILLED IN BY HURRICANES OR TROPICAL STORMS, PROVIDED ALL REPLACEMENT, RECONSTRUCTION AND MAINTENANCE EXCAVATION ACTIVITIES CONFORM TO ALL CURRENT STANDARDS

15A NCAC 07H .2503 PERMIT FEE

The standard permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) has been waived for this General Permit.

Authority G.S. 113A-107; 113A-118.1.

SECTION .2700 – GENERAL PERMIT FOR THE CONSTRUCTION OF MARSH SILLS

15A NCAC 07H .2703 PERMIT FEE

The applicant shall pay a permit fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department of Environmental Quality.

Authority G.S. 113A-107; 113A-118.1; 113A-119.1.

SUBCHAPTER 07J - PROCEDURES FOR PROCESSING AND ENFORCEMENT OF MAJOR AND MINOR DEVELOPMENT PERMITS, VARIANCE REQUESTS, APPEALS FROM PERMIT DECISIONS, DECLARATORY RULINGS, AND STATIC LINE EXCEPTIONS

SECTION .0200 - APPLICATION PROCESS

15A NCAC 07J .0204 PROCESSING THE APPLICATION

(a) On receipt of a CAMA major development and/or dredge and fill permit application by the Department, a letter shall be sent to the applicant acknowledging receipt.

(b) Application processing shall begin when an application is accepted as complete. Before an application will be accepted as complete, the following requirements must be met;

- (1) a current application form must be submitted;
- (2) all questions on the application form must be completed or the letters "N/A" must be placed in each section that does not apply;
- (3) an accurate work plan as described in 15A NCAC 7J .0203 herein must be attached to all CAMA major development and/or dredge and fill permit applications;

- (4) a copy of a deed or other instrument under which the applicant claims title must accompany a CAMA major development and/or dredge and fill permit application;
- (5) notice to adjacent riparian landowners must be given as follows:
 - (A) Certified return mail receipts (or copies thereof) indicating that adjacent riparian landowners (as identified in the permit application) have been sent a copy of the application for the proposed development must be included in a CAMA major development and/or dredge and fill permit application. Said landowners have 30 days from the date of notification in which to comment. Such comments will be considered by the Department in reaching a final decision on the application.
 - (B) For CAMA minor development permits, the applicant must give actual notice of his intention to develop his property and apply for a CAMA minor development permit to all adjacent riparian landowners. Actual notice can be given by sending a certified letter, informing the adjoining property owner in person or by telephone, or by using any other method which satisfies the Local Permit Officers that a good faith effort has been made to provide the required notice;
- (6) the application fee must be paid as set out in this Subparagraph:
 - (A) Major development permit - Application fees shall be in the form of a check or money order payable to the Department. ~~The application fee for private, non-commercial development shall be two hundred fifty dollars (\$250.00). The application fee for a public or commercial project shall be four hundred dollars (\$400.00).~~
 - (B) Minor development permit - Application fees shall be in the form of a check or money order payable to the permit-letting agency in the amount of one hundred dollars ~~(\$100.00).~~ (\$100.00) if issued by a local government participating in the local implementation and enforcement program, and two hundred dollars (\$200.00) if issued directly by the Division of Coastal Management. Monies so collected may be used only in the administration of the permit program;

- (7) any other information the Department or local permit officer deems necessary for a review of the application must be provided. Any application not in compliance with these requirements will be returned to the applicant along with a cover letter explaining the deficiencies of the application and will not be considered accepted until it is resubmitted and determined to be complete and sufficient. If a local permit officer receives an application for a permit that the local permit officer lacks authority to grant, the permit officer shall return the application with information as to how the application may be properly considered; and
- (8) for development proposals subject to review under the North Carolina Environmental Policy Act (NCEPA), G.S. 113A-100 et. seq., the permit application will be complete only on submission of the appropriate environmental assessment document.
 - (c) Upon acceptance of a major development and/or dredge and fill permit as complete, the Department shall send a letter to the applicant setting forth the data on which acceptance was made.
 - (d) If the application is found to be incomplete or inaccurate after processing has begun or if additional information from the applicant is necessary to adequately assess the project, the processing shall be terminated pending receipt of the necessary changes or necessary information from the applicant. During the pendency of any termination of processing, the permit processing period shall not run. If the changes or additional information significantly alters the project proposal, the application shall be considered new and the permit processing period will begin to run from that date.
 - (e) Any violation occurring at a proposed project site for which an application is being reviewed shall be processed according to the procedures in 15A NCAC 7J .0408 - 0410. If the violation substantially altered the proposed project site, and restoration is deemed necessary, the applicant shall be notified that processing of the application will be suspended pending compliance with the notice of required restoration. Satisfactory restoration of any unauthorized development that has substantially altered a project site is deemed necessary to allow a complete review of the application and an accurate assessment of the project's potential impacts. The applicant shall be notified that permit processing has resumed, and that a new processing deadline has been established once the required restoration has been deemed satisfactory by the Division of Coastal Management or Local Permit Officer.
 - (f) If during the public comment period a question is raised as to public rights of access across the subject property, the Division of Coastal Management shall examine the access issue prior to making a permit decision. Any individual or governmental entity initiating action to judicially recognize a public right of access must obtain a court order to suspend processing of the permit application. Should the parties to legal action resolve the issue, permit processing shall continue.

Authority G.S. 113-229; 113A-119; 113A-119.1; 113A-122(c); 113A-124.

SECTION .0400 - FINAL APPROVAL AND ENFORCEMENT

15A NCAC 07J .0404 DEVELOPMENT PERIOD EXTENSION

(a) For CAMA minor permits authorizing beach bulldozing, the permit holder is entitled to request a one-time 30-day permit extension. No additional extensions shall be granted after the 30-day extension has expired. Notwithstanding this Paragraph, the permit holder is eligible to apply for another minor permit authorizing beach bulldozing following expiration of the 30-day permit extension.

(b) All other CAMA permits may be extended where substantial development, either within or outside the AEC, has begun or is continuing. The permitting authority shall grant as many two-year extensions as necessary to complete the initial development, with the exception that multi-phased beach nourishment projects may be granted ten-year extensions to allow for continuing project implementation. Renewals for maintenance of previously approved dredging projects may be granted for periods not to exceed five years, For the purpose of this Rule, substantial development shall be deemed to have occurred on a project if the permit holder can show that development has progressed beyond basic site preparation, such as land clearing and grading, and construction has begun and is continuing on the primary structure or structures authorized under the permit. For elevated structures in Ocean Hazard Areas, substantial development begins with the placement of foundation pilings, and proof of the local building inspector's certification that the installed pilings have passed a floor and foundation inspection. For residential subdivisions, installation of subdivision roads consistent with an approved subdivision plat shall constitute substantial development.

(c) To request an extension pursuant to Paragraphs (a) and (b) of this Rule, the permit holder shall submit a signed and dated request containing the following:

- (1) a statement of the completed and remaining work;
(2) a statement that there has been no change of plans since the issuance of the original permit other than changes that would have the effect of reducing the scope of the project, or previously approved permit modifications;
(3) notice of any change in ownership of the property to be developed and a request for transfer of the permit; and
(4) a statement that the project is in compliance with all conditions of the current permit.

(d) For extension requests where substantial development has not occurred in accordance with Paragraph (b) of this Rule, the Division of Coastal Management may circulate the request to the commenting State resource agencies along with a copy of the original permit application. Commenting State resource agencies will be given 30 days in which to comment on the extension request. Upon the expiration of the commenting period the Division of Coastal Management will notify the permit holder of its actions on the extension request.

(e) Notwithstanding Paragraphs (b) and (d) of this Rule, an extension request may be denied on making findings as required in either G.S. 113A-120 or G.S. 113-229(e). Changes in

circumstances or in development standards shall be considered and applied by the Division of Coastal Management in making a decision on an extension request.

(f) The applicant for a major development extension request shall submit, with the request, a check or money order payable to the Department of Environmental Quality in the sum of ~~one hundred dollars (\$100.00)~~ four hundred dollars (\$400.00).

Authority G.S. 113-229(e); 113A-119; 113A-119.1; 113A-120; 113A-124(c)(8).

15A NCAC 07J .0405 PERMIT MODIFICATION

(a) A permit holder may modify their permitted major development and/or dredge and fill project only after approval by the Division of Coastal Management. In order to modify a permitted project the permit holder shall make a written request to the Division of Coastal Management showing the proposed modifications. Minor modifications may be shown on the existing approved application and plat. Modification requests which, in the opinion of the Division of Coastal Management are major shall require a new application. Modification requests are subject to the same processing procedure applicable to original permit applications. A permit need not be circulated to all agencies commenting on the original application if the Commission determines that the modification is so minor that circulation would serve no purpose.

(b) Modifications to a permitted project that are imposed or made at the request of the U.S. Army Corps of Engineers or other federal agencies shall be approved by the Division of Coastal Management under provisions of this Rule dealing with permit modification procedures.

(c) Modifications of projects for the benefit of private waterfront property owners that meet the following criteria shall be considered minor modifications and shall not require a new permit application, but shall be approved under the provisions of Paragraph (a) of this Rule:

- (1) for bulkheads:
(A) bulkhead shall be positioned so as not to extend more than an average distance of two feet waterward of the mean high water and in no place shall the bulkhead be more than five feet waterward of the mean high water contour;
(B) all backfill must come from an upland source;
(C) no marsh area may be excavated or filled;
(D) work must be undertaken because of the necessity to prevent loss of private residential property due to erosion;
(E) the bulkhead must be constructed prior to any backfilling activities;
(F) the bulkhead must be constructed so as to prevent seepages of backfill materials through the bulkhead; and
(G) the bulkhead may not be constructed in the Ocean Hazard AEC;
(2) for piers, docks and boathouses:

- (A) the modification or addition shall not be within 150 feet of the edge of a federally-maintained channel;
 - (B) the structure, as modified, must be 200 feet or less in total length offshore;
 - (C) the structure, as modified, must not extend past the four feet mean low water contour line (four feet depth at mean low water) of the waterbody;
 - (D) the project as modified, must not exceed six feet in width;
 - (E) the modification or addition must not include an enclosed structure; and
 - (F) the project shall continue to be used for private, residential purposes;
- (3) for boatramps:
- (A) the project, as modified, shall not exceed 10 feet in width and 20 feet offshore; and
 - (B) the project shall continue to be used for private, residential purposes.

(d) An applicant may modify his permitted minor development project only after approval by the local permit-letting authority. In order to modify a permitted project the applicant must make a written request to the local minor permit-letting authority showing in detail the proposed modifications. The request shall be reviewed in consultation with the appropriate Division of Coastal Management field consultant and granted if all of the following provisions are met:

- (1) the size of the project is expanded less than 20 percent of the size of the originally permitted project;
- (2) a signed, written statement is obtained from all adjacent riparian property owners indicating they have no objections to the proposed modifications;
- (3) the proposed modifications are consistent with all local, State, and federal standards and local Land Use Plans in effect at the time of the modification requests; and
- (4) the type or nature of development is not changed.

Failure to meet this Paragraph shall necessitate the submission of a new permit application.

(e) The applicant for a major permit modification shall submit with the request a check or money order payable to the Department of Environmental Quality in the sum of ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00) for a minor modification and ~~two hundred fifty dollars (\$250.00)~~ four hundred dollars (\$400.00) for a major modification.

Authority G.S. 113-229; 113A-119; 113A-119.1.

15A NCAC 07J .0406 PERMIT ISSUANCE AND TRANSFER

(a) Upon the approval of an application and the issuance of the permit, the permit shall be delivered to the applicant, or to any person designated by the applicant to receive the permit, by hand, first class mail or any means.

(b) Anyone holding a permit shall not assign, transfer, sell, or otherwise dispose of a permit to a third party, unless approval is granted by the Director of the Division of Coastal Management pursuant to Paragraph (c) of this Rule.

(c) A permit may be transferred to a new party at the discretion of the Director of the Division of Coastal Management upon finding each of the following:

- (1) a written request from the new owner or developer of the involved properties;
- (2) a deed, a sale, lease, or option to the proposed new party showing the proposed new party as having the sole legal right to develop the project;
- (3) that the applicant transferee will use the permit for the purposes for which it was issued;
- (4) no change in conditions, circumstances, or facts affecting the project;
- (5) no change or modification of the project as proposed in the original application.

(d) A person aggrieved by a decision of the Director as to the transfer of a permit may request a declaratory ruling by the Coastal Resources Commission as per 15A NCAC 07J .0600.

(e) The applicant for a permit transfer shall submit with the request a check or money order payable to the Department of Environmental Quality in the sum of ~~one hundred dollars (\$100.00)~~ four hundred dollars (\$400.00).

Authority G.S. 113A-118(c); 113A-119(a); 113A-119.1; 113A-124(c)(8).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 10 – BOARD OF CHIROPRACTIC EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Chiropractic Examiners intends to amend the rule cited as 21 NCAC 10 .0204.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncchiroboard.com>

Proposed Effective Date: January 1, 2024

Public Hearing:

Date: September 18, 2023

Time: 10:30 a.m.

Location: Via Teams Meeting:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTA3MTI4M2QtNzJhOS00M2I1LTk3MzYtMmU5NzNINTZmMmQ5%40thread.v2/0?context=%7b%22Id%22%3a%22ecf1f468-48d3-46cb-9cf9-e8891fc6c41d

Reason for Proposed Action: *To clarify how online continuing education courses are to be administered*

Comments may be submitted to: Dr. Joe Siragusa, 9121 Anson Way, Suite 200, Raleigh, NC 27615; phone (704) 793-1342; email dr.joe@ncchiroboard.com

Comment period ends: October 31, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

SECTION .0200 - PRACTICE OF CHIROPRACTIC

21 NCAC 10 .0204 LICENSURE; RENEWAL OF LICENSE

- (a) Initial Licensure. The initial license awarded to an applicant who passed the examination shall be mailed to the address appearing on the application form.
(b) Change of Contact Information. The licentiate shall inform the Board of any change in his or her contact information. Updated contact information shall be forwarded to the Board office email at ncboce@ncchiroboard.com within 30 days after any such change.
(c) General. The renewal, inactivation, and restoration of a license are governed by G.S. 90-155 and this Rule. A current license that is not renewed shall be placed on inactive status on January 30th of the following year. A licentiate desiring license renewal shall submit to the Board, on or before the date of inactivation, a completed license renewal form accompanied by the renewal fee as provided in Paragraph (i) of this Rule. The renewal fee shall not be paid in cash and may be paid by credit card through the Board's website, www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.
(d) License Renewal Notification and Form. On or before December 1 of each year, the Board shall email to each licentiate, at the licentiate's current email address on file with the Board, license renewal instructions. The license renewal form with

- instructions shall also be available at the Board's website, www.ncchiroboard.com, or upon request at the Board's office. A licentiate desiring license renewal shall note on the form changes in name, address, specialty, employment circumstances, and criminal convictions since the last renewal form was submitted to the Board. The licentiate shall also note on the form any professional development continuing education for which the licentiate seeks credit pursuant to Rule .0210(d) of this Chapter.
(e) Continuing Education. As used in G.S. 90-155, one "day" of continuing education shall mean nine hours. Except as provided in Paragraphs (f), (g) and (h) of this Rule, a licentiate seeking license renewal shall obtain 18 hours (2 days) of Board-approved continuing education each calendar year. At least 10 hours shall be obtained by attending in-person or live on-line educational sessions. Live online hours include the opportunity to interact with the instructor in real-time. As many as eight hours may be obtained in the manner set forth in Rule .0210 of this Chapter. The Board shall not award credit for any continuing education hours until the sponsor or licentiate submits to the Board the sponsor's certificate of attendance or course completion.
(f) First-Year Continuing Education Exemptions. A licentiate who was enrolled in chiropractic college at any time during the year of initial licensure or a licentiate initially licensed after September 1st of the current year shall be permitted to renew his or her license for the ensuing year without obtaining continuing education but shall be required to submit a license renewal form and pay the renewal fee. In subsequent years, a licentiate shall not be permitted to renew his or her license until the continuing education requirements set forth in Paragraph (e) of this Rule are satisfied.
(g) Hardship Waivers. A licentiate seeking a hardship waiver of the continuing education requirement shall make written application to the Board no later than December 15th of the current year explaining the nature and circumstances of the hardship. Upon the applicant's showing that compliance with the continuing education requirement poses an undue hardship, the Board may waive the requirement in whole or part or grant an extension of time within which to comply. "Undue hardship" shall include protracted medical illness, natural disaster, or extended absence from the United States.
(h) Military Hardship. A licentiate who is serving in the Armed Forces of the United States and to whom G.S. 93B-15(a) grants an extension of time to pay a renewal fee shall also be granted an identical extension of time to complete the continuing education required for license renewal.
(i) Renewal Fee. A renewal fee in the maximum amount allowed by G.S. 90-155 shall be paid by each licentiate applying for renewal.
(j) Restoration of Inactive License. Evidence of Proficiency. In order to provide evidence of proficiency, a former licentiate whose license has been inactive for 180 or fewer days due to non-compliance with G.S. 90-155 shall be re-examined and shall pay the non-refundable application fee prescribed in Rule .0202(d) of this Chapter and shall demonstrate compliance with continuing education requirements. A former licentiate whose license has been inactive for more than 180 days shall comply with Rule .0203(f) of this Chapter in addition to this Paragraph. Payment of the application fee shall not constitute payment of the

PROPOSED RULES

reinstatement fee of twenty-five dollars (\$25.00) mandated by Authority G.S. 90-142; 90-145; 90-148; 90-155; 93B-15.
G.S. 90-155.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on July 20, 2023 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

RURAL ELECTRIFICATION AUTHORITY

Meetings 04 NCAC 08 .0107* 36:22 NCR
Duties of the Administrator 04 NCAC 08 .0109* 36:22 NCR

NATURAL AND CULTURAL RESOURCES, DEPARTMENT OF

Smoking and Fires 07 NCAC 14B .0403* 37:20 NCR
Smoking 07 NCAC 14B .0404 37:20 NCR
Rock Climbing 07 NCAC 14B .0608* 37:20 NCR
Trail Access and Activities 07 NCAC 14B .0609* 37:20 NCR

MEDICAL CARE COMMISSION

Nurse Executive 10A NCAC 13B .3801* 36:12 NCR
Preservation of Medical Records 10A NCAC 13B .3903* 36:12 NCR
Provision of Emergency Services 10A NCAC 13B .4103* 36:12 NCR
Medical Director 10A NCAC 13B .4104 36:12 NCR
Policies and Procedures 10A NCAC 13B .4106* 36:12 NCR
Organization of Neonatal Services 10A NCAC 13B .4305* 36:12 NCR
Surgical and Anesthesia Staff 10A NCAC 13B .4603 36:12 NCR
Organization 10A NCAC 13B .4801* 36:12 NCR
Safety 10A NCAC 13B .4805* 36:12 NCR
Policy and Procedures 10A NCAC 13B .5102* 36:12 NCR
Sterile Supply Services 10A NCAC 13B .5105 36:12 NCR
Discharge Criteria for Inpatient Rehabilitation Facilitie... 10A NCAC 13B .5406* 36:12 NCR
Comprehensive Inpatient Rehabilitation Program Staffing R... 10A NCAC 13B .5408* 36:12 NCR
Physical Facility Requirements/Inpatient Rehabilitation F... 10A NCAC 13B .5411 36:12 NCR

BARBER AND ELECTROLYSIS EXAMINERS, BOARD OF

Form Bar-10 21 NCAC 06N .0111* 37:19 NCR
Request for Temporary Permit 21 NCAC 06N .0117* 37:19 NCR

TITLE 04 - DEPARTMENT OF COMMERCE

04 NCAC 08 .0107 MEETINGS

- (a) The Authority shall not meet more than 12 times per year.
(b) The Administrator shall send a notice of the date and location of the meeting to all Authority Board members, cooperatives, interested parties and members of the USDA, one week prior to the meeting. A meeting notification shall be posted on the website of the Authority 72 hours prior to each meeting.
(c) Anyone with a matter to present to the Board shall submit all pertinent documents two weeks prior to the meeting where the

matter will be presented by the Administrator to the Board of the Authority for their consideration and decision.

(d) A copy of public documents maintained by the office shall be available to the general public at actual cost.

*History Note: Authority G.S. 117-4; 117-5;
Eff. February 1, 1976;
Amended Eff. March 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 23, 2015;
Amended Eff. August 1, 2023.*

04 NCAC 08 .0109 DUTIES OF THE ADMINISTRATOR

History Note: Authority G.S. 117-2(10); 117-2(11a); 117-2(12); 117-3.1(a); 117-26; 117-31; 117-32; 47 U.S.C 252; Eff. February 1, 1976; Amended Eff. May 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015; Repealed Eff. August 1, 2023.

- (5) name and contact information of an emergency contact; and
- (6) signature indicating agreement to abide by the terms and conditions of the permit.
- (c) Day-Use Climbing Permits shall be issued upon receipt of a completed application unless:
 - (1) the daily capacity limit for a specific climbing route or area has been reached prior to receipt of the completed application;
 - (2) the activity would be detrimental to the protection and use of state property or threaten the health or safety of the public; or
 - (3) The activity or use would constitute a violation of applicable law or the rules of this Subchapter.
- (d) If a permit application is denied, the applicant shall be informed in writing of the reason(s) for the denial.
- (e) Permittees shall maintain a copy of their signed Day-Use Climbing Permit with them at all times while on Zoo property.
- (f) While rock climbing on Zoo property, permittees shall not:
 - (1) install permanent or fixed rock climbing anchors, such as pitons and expansion bolts;
 - (2) chip or glue holds onto the rock face;
 - (3) remove rock from its natural position except where failure to remove the rock poses a risk to public safety and such removal has been approved by the Zoo Director or their designee; and
 - (4) intentionally remove vegetation to clean a climbing route.
- (g) Violation of the terms and conditions of a Day-Use Climbing permit issued in accordance with this Section is prohibited and shall result in the revocation of the permit and removal of the violator from Zoo property.

History Note: Authority G.S. 143B-135.204(a); Eff. August 1, 2023.

07 NCAC 14B .0609 TRAIL ACCESS AND ACTIVITIES

- (a) Public access to Zoo property, including all hiking trails, is available only between opening and closing hours as posted at www.nczoo.org.
- (b) Public use of hiking trails on Zoo property shall be limited to each trail's designated uses as posted. The Division may prohibit or restrict public activity occurring on Zoo property if such activity would be detrimental to the protection and use of state property or threaten the health or safety of the public.
- (c) A person using Zoo property located outside of the perimeter fence must remain on the marked trails or in a designated climbing area at all times.
- (d) Use of bicycles, all-terrain vehicles, dirt bikes, golf carts, go-karts, scooters, skateboards, and other similar conveyances is prohibited on Zoo property outside of a trail designated for such use. Public use of motorized vehicles is prohibited on Zoo property except on designated roads and parking areas.
- (e) Horseback riding is prohibited on Zoo property outside of a trail designated for such use.
- (f) The following activities are prohibited on Zoo property:

TITLE 07 – DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

07 NCAC 14B .0403 SMOKING AND FIRES

- (a) Smoking, vaping, or the use of similar devices or materials is prohibited on Zoo property except where designated through posted signage.
- (b) Starting or maintaining a fire on Zoo property is prohibited except as part of an organized Zoo program.

History Note: Authority G.S. 143B-135.204(a); Eff. February 1, 1976; Transferred w/change from T15.12E Eff. August 1, 1982; Amended Eff. October 1, 1984; Transferred from 15A NCAC 22B .0403 Eff. April 1, 2017; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018; Amended Eff. August 1, 2023.

07 NCAC 14B .0404 SMOKING

History Note: Authority G.S. 143B-135.204(a); Eff. February 1, 1976; Transferred w/change from T15.12E Eff. August 1, 1982; Transferred from 15A NCAC 22B .0404 Eff. April 1, 2017; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018; Repealed Eff. August 1, 2023.

07 NCAC 14B .0608 ROCK CLIMBING

- (a) Rock climbing, bouldering, or rappelling is prohibited except in areas designated by the Zoo Director or their designee. The Zoo Director or their designee may designate a daily capacity limit for specific climbing routes and bouldering areas based on public safety and the protection and use of state property.
- (b) A Day-Use Climbing Permit is required for each individual participating in climbing, bouldering, and rappelling on Zoo property. Applications for permits may be made at www.nczoo.org. A completed Day-Use Climbing Permit application shall include the following information:
 - (1) the permittee's name, address, and contact information;
 - (3) the permittee's expected time to return to their vehicle;
 - (4) the permittee's vehicle registration number and state of vehicle registration;

- (1) hunting;
- (2) littering; and
- (3) camping, except through a Zoo organized camping program.

(g) Public use of Ridges Mountain trails is available only by a reservation approved by the Zoo Director or their designee. Reservations shall be approved unless such use would be detrimental to the protection and use of state property or threaten the health or safety of the public. A completed reservation request shall include the following:

- (1) requestor's name and contact information;
- (2) the name of an organization or group coordinating the use;
- (3) the number of users;
- (4) the date of the requested use; and
- (5) the intended use.

(h) Pets are not permitted on the Ridges Mountain property except as required by federal and state law for service animals assisting individuals with disabilities.

History Note: Authority G.S. 143B-135.204(a); Eff. August 1, 2023.

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 13B .3801 NURSE EXECUTIVE

(a) Whether the facility utilizes a centralized or decentralized organizational structure, a nurse executive shall be responsible for the coordination of nursing organizational functions.

(b) A nurse executive shall develop facility wide patient care programs, policies, and procedures that describe how the nursing care needs of patients are assessed, met, and evaluated.

(c) The nurse executive shall develop and adopt, subject to the approval of the facility, a set of administrative policies and procedures to establish a framework to accomplish required functions as required in Paragraph (e) of this Rule.

(d) There shall be scheduled meetings every 60 days of the members of the nursing staff to evaluate the quality and efficiency of nursing services. Minutes of these meetings shall be maintained.

(e) The nurse executive shall be responsible for:

- (1) the development of a written organizational plan which describes the levels of accountability and responsibility within the nursing organization;
- (2) planning for and the evaluation of the delivery of nursing care system;
- (3) establishment of a mechanism to validate qualifications, knowledge, and skills of nursing personnel;
- (4) provision of orientation and educational opportunities related to expected nursing performance and maintenance of records pertaining thereto;
- (5) implementation of a system for performance evaluation;

(6) provision of nursing care services in conformance with G.S. 90-171.20(7) and G.S. 90-171.20(8);

(7) assignment of nursing staff to clinical or managerial responsibilities based upon educational preparation, in conformance with licensing laws and an assessment of current competence; and

(8) staffing nursing units with personnel in accordance with a written plan of care to meet the needs of the patients.

History Note: Authority G.S. 143B-165; Eff. January 1, 1996; Readopted Eff. August 1, 2023.

10A NCAC 13B .3903 PRESERVATION OF MEDICAL RECORDS

(a) The manager of the medical records service shall maintain medical records that were created when the patient was an adult, whether original, computer media, or digital archived for 11 years following the discharge of an adult patient.

(b) The manager of medical records shall maintain medical records that were created when the patient was a minor, whether original, computer media, or digital archived, until the patient's 30th birthday. If a minor patient is readmitted as an adult, the manager of the medical records shall maintain medical records according to Paragraph (a) of this Rule.

(c) If a hospital discontinues operation, its management shall make known to the Division where its records are stored. Records shall be stored in a business offering retrieval services for 11 years after the closure date or according to Paragraph (b) of this Rule if the patient was a minor.

(d) The manager of medical records may authorize the digital archiving of medical records. Digital archiving may be done on or off the premises. If done off the premises, the facility shall provide for the confidentiality and safekeeping of the records. The original of digital archived medical records shall not be destroyed until the medical records department has had an opportunity to review the digital record for content.

(e) Nothing in this Section shall be construed to prohibit the use of automation in the medical records service, provided that all of the provisions in this Rule are met and the information is readily available for use in patient care.

(f) Only personnel authorized by State laws and the Health Insurance Portability and Accountability Act (HIPAA) found in 42 CFR 482, which is incorporated by reference including subsequent amendments and editions, shall have access to medical records. This regulation may be obtained free of charge at <https://www.govinfo.gov/help/cfr>. Where the written authorization of a patient is required for the release or disclosure of health information, the written authorization of the patient or authorized representative shall be maintained in the original record as authority for the release or disclosure.

(g) Medical records are the property of the hospital, and shall remain the property of the hospital, except through a court order. Copies shall be made available for authorized purposes such as insurance claims and physician review.

*History Note: Authority G.S. 131E-97; 143B-165;
Eff. January 1, 1996;
Amended Eff. July 1, 2009;
Readopted Eff. August 1, 2023.*

10A NCAC 13B .4103 PROVISION OF EMERGENCY SERVICES

- (a) Any facility providing emergency services shall establish and maintain policies requiring medical screening, treatment and transfer services for any individual who presents to the facility emergency department and on whose behalf treatment is requested regardless of that person's ability to pay for medical services and without delay to inquire about the individual's method of payment.
- (b) Any facility providing emergency services under the rules of this Section shall install, operate, and maintain, on a 24-hour per day basis, an emergency two-way radio capable of accessing the North Carolina Voice Interoperability Plan for Emergency Responders (VIPER) radio network for voice communication with EMS providers transporting patients to the facility or provide on-line medical direction for EMS personnel.
- (c) All communication equipment shall be in compliance with the rules set forth in 10A NCAC 13P, Emergency Medical Services and Trauma Rules.

*History Note: Authority G.S. 143B-165;
Eff. January 1, 1996;
Readopted Eff. August 1, 2023.*

10A NCAC 13B .4104 MEDICAL DIRECTOR

- (a) The governing body shall establish the qualifications, duties, and authority of the director of emergency services. Appointments shall be recommended by the medical staff and approved by the governing body.
- (b) The medical staff credentials committee shall approve the mechanism for emergency privileges for physicians employed for brief periods of time such as evenings, weekends, or holidays.
- (c) Level I and II emergency services shall be directed and supervised by a physician.
- (d) Level III services shall be directed and supervised by a physician.

*History Note: Authority G.S. 131E-85(a); 143B-165;
RRC objection due to lack of statutory authority Eff. July 13, 1995;
Eff. January 1, 1996;
Readopted Eff. August 1, 2023.*

10A NCAC 13B .4106 POLICIES AND PROCEDURES

Each emergency department shall establish written policies and procedures that specify the scope and conduct of patient care to be provided in the emergency areas. They shall include the following:

- (1) the location, storage, and procurement of medications, blood, supplies, equipment, and the procedures to be followed in the event of equipment failure;
- (2) the initial management of patients with burns, hand injuries, head injuries, fractures, multiple

- (3) injuries, poisoning, animal bites, gunshot or stab wounds, and other acute problems;
- (4) the provision of care to an unemancipated minor not accompanied by a parent or guardian, or to an unaccompanied unconscious patient;
- (5) management of alleged or suspected child, elder, or adult abuse;
- (6) the management of pediatric emergencies;
- (7) the initial management of patients with actual or suspected exposure to radiation;
- (8) management of alleged or suspected rape victims;
- (9) the reporting of individuals dead on arrival to the proper authorities;
- (10) the use of standing orders;
- (11) tetanus and rabies prevention or prophylaxis; and
- (12) the dispensing of medications in accordance with State and federal laws.

*History Note: Authority G.S. 143B-165;
Eff. January 1, 1996;
Readopted Eff. August 1, 2023.*

10A NCAC 13B .4305 ORGANIZATION OF NEONATAL SERVICES

(a) The governing body shall approve the scope of all neonatal services and the facility shall classify its capability in providing a range of neonatal services using the following criteria:

- (1) LEVEL I: Full-term and pre-term neonates that are stable without complications. This may include infants who are small for gestational age or neonates who are large for gestational age.
- (2) LEVEL II: Neonates or infants that are stable without complications but require special care and frequent feedings; infants of any weight who no longer require LEVEL III or LEVEL IV neonatal services, but who still require more nursing hours than normal infant. This may include infants who require close observation in a licensed acute care bed.
- (3) LEVEL III: Neonates or infants that are high-risk, small or approximately 32 and less than 36 completed weeks of gestational age but otherwise healthy, or sick with a moderate degree of illness that are admitted from within the hospital or transferred from another facility requiring intermediate care services for sick infants, but not requiring intensive care. The beds in this level may serve as a "step-down" unit from Level IV. Level III neonates or infants require less constant nursing care, but care does not exclude respiratory support.
- (4) LEVEL IV (Neonatal Intensive Care Services): High-risk, medically unstable, or critically ill neonates under 32 weeks of gestational age, or infants, requiring constant nursing care or supervision that includes continuous

cardiopulmonary or respiratory support, complicated surgical procedures, or other intensive supportive interventions.

(b) The facility shall provide for the availability of equipment, supplies, and clinical support services.

(c) The medical and nursing staff shall develop and approve policies and procedures for the provision of all neonatal services.

*History Note: Authority G.S. 143B-165;
Eff. January 1, 1996;
Temporary Amendment Eff. March 15, 2002;
Amended Eff. April 1, 2003;
Readopted Eff. August 1, 2023.*

10A NCAC 13B .4603 SURGICAL AND ANESTHESIA STAFF

The facility shall develop processes that require each individual provide only those services for which proof of licensure and competency can be demonstrated. The facility shall require that:

- (1) when anesthesia is administered, a physician is available in the facility to provide care in the event of a medical emergency;
- (2) a roster of practitioners with a delineation of current surgical and anesthesia privileges is available and maintained for the service;
- (3) an on-call schedule of surgeons with privileges to be available at all times for emergency surgery and for post-operative clinical management is maintained;
- (4) the operating room is supervised by a registered nurse or doctor of medicine or osteopathy; and
- (5) an operating room register which shall include date of the operation, name and patient identification number, names of surgeons and surgical assistants, name of anesthetists, type of anesthesia given, pre- and post-operative diagnosis, type and duration of surgical procedure, and the presence or absence of complications in surgery is maintained.

*History Note: Authority G.S. 131E-85; 143B-165;
Eff. January 1, 1996;
Readopted Eff. August 1, 2023.*

10A NCAC 13B .4801 ORGANIZATION

(a) Imaging services shall be under the supervision of a full-time radiologist, consulting radiologist, or a physician.

(b) Radio-therapy is a type of imaging service.

(c) All imaging equipment shall be operated under professional supervision by personnel trained in the use of imaging equipment and knowledgeable of all applicable safety precautions required by the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Radiation Protection Section set forth in 10A NCAC 15, hereby incorporated by reference including subsequent amendments.

*History Note: Authority G.S. 143B-165;
RRC objection due to lack of statutory authority and ambiguity
Eff. July 13, 1995;*

*Eff. January 1, 1996;
Readopted Eff. August 1, 2023.*

10A NCAC 13B .4805 SAFETY

(a) The facility shall require that all imaging equipment is operated under the supervision of a physician and by qualified personnel.

(b) The facility shall require that caution is exercised to protect all persons from exposure to radiation.

(c) The governing authority shall appoint a radiation safety committee.

(d) All radio-active isotopes, whether for diagnostic, therapeutic, or research purposes shall be received, handled, and disposed of in accordance with the requirements of the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Radiation Protection Section set forth in 10A NCAC 15, hereby incorporated by reference including subsequent amendments.

*History Note: Authority G.S. 143B-165;
Eff. January 1, 1996;
Readopted Eff. August 1, 2023.*

10A NCAC 13B .5102 POLICY AND PROCEDURES

(a) Each facility department or service shall establish and maintain the following written infection control policies and procedures:

- (1) the role and scope of the service or department in the infection control program;
- (2) the role and scope of surveillance activities in the infection control program;
- (3) the methodology used to collect and analyze data, maintain a surveillance program on nosocomial infection, and the control and prevention of infection;
- (4) the specific precautions to be used to prevent the transmission of infection and isolation methods to be utilized;
- (5) the method of sterilization and storage of equipment and supplies, including the reprocessing of disposable items;
- (6) the cleaning of patient care areas and equipment;
- (7) the cleaning of non-patient care areas; and
- (8) exposure control plans.

(b) The infection control committee shall approve all infection control policies and procedures. The committee shall review all policies and procedures every three years and indicate the last date of review.

(c) The infection control committee shall meet quarterly and maintain minutes of meetings.

*History Note: Authority G.S. 143B-165;
Eff. January 1, 1996;
Readopted Eff. August 1, 2023.*

10A NCAC 13B .5105 STERILE SUPPLY SERVICES

The facility shall provide for the following:

- (1) decontamination and sterilization of equipment and supplies;
- (2) monitoring of sterilizing equipment on a routine schedule;
- (3) establishment of policies and procedures for the use of disposable items; and
- (4) establishment of policies and procedures addressing shelf life of stored sterile items.

History Note: Authority G.S. 143B-165; Eff. January 1, 1996; Readopted Eff. August 1, 2023.

10A NCAC 13B .5406 DISCHARGE CRITERIA FOR INPATIENT REHABILITATION FACILITIES OR UNITS

(a) Discharge planning shall be an integral part of the patient's treatment plan and shall begin upon admission to the facility. After goals of care have been reached, or a determination by the interdisciplinary care team has been made to return to the setting from which the patient was admitted, or that further progress is unlikely, the patient shall be discharged to another inpatient or residential health care facility that can address the patient's needs including skilled nursing homes, assisted living facilities, nursing homes, or other hospitals. Other reasons for discharge may include an inability or unwillingness of patient or family to cooperate with the planned therapeutic program or medical complications that preclude a further intensive rehabilitative effort. The facility shall involve the patient, family, staff members, and community-based services such as home health services, hospice or palliative care, respiratory services, rehabilitation services to include occupational therapy, physical therapy, and speech therapy, end stage renal disease, nutritional, medical equipment and supplies, transportation services, meal services, and household services such as housekeeping in discharge planning.

(b) The case manager shall facilitate the discharge or transfer process in coordination with the facility social worker.

(c) If a patient is being referred to another facility for further care, documentation of the patient's current status shall be forwarded with the patient. A discharge summary shall be forwarded within 48 hours following discharge and shall include the reasons for referral, the diagnosis, functional limitations, services provided, the results of services, referral action recommendations, and activities and procedures used by the patient to maintain and improve functioning.

History Note: Authority G.S. 143B-165; Eff. March 1, 1996; Readopted Eff. August 1, 2023.

10A NCAC 13B .5408 COMPREHENSIVE INPATIENT REHABILITATION PROGRAM STAFFING REQUIREMENTS

(a) The staff of the inpatient rehabilitation facility or unit shall include:

- (1) the inpatient rehabilitation facility or unit shall be supervised by a rehabilitation nurse as defined in Rule .5401 of this Section. The

facility shall assign staff qualified to meet the needs of the patient;

- (2) the minimum nursing hours per patient in the rehabilitation unit shall be 5.5 nursing hours per patient day. At no time shall direct care nursing staff be less than two full-time equivalents, one of which must be a registered nurse;

- (3) the inpatient rehabilitation unit shall employ or provide by contractual agreements therapists to provide three hours of specific (physical, occupational or speech) or combined rehabilitation therapy services per patient day;

- (4) rehabilitation aides shall have documented training appropriate to the activities to be performed and the occupational licensure laws of his or her supervisor. Supervision by the physical therapist or by the occupational therapist is limited to that time when the therapist is on-site and directing the rehabilitation activities of the aide; and

- (5) hours of service by the rehabilitation aide are counted toward the required nursing hours when the aide is working under the supervision of the nurse. Hours of service by the rehabilitation aide are counted toward therapy hours during that time the aide works under the immediate, on-site supervision of the physical therapist or occupational therapist. Hours of service shall not be dually counted for both services. Hours of service by rehabilitation aides in performing nurse-aide duties in areas of the facility other than the rehabilitation unit shall not be counted toward the 5.5 hour minimum nursing requirement described for the rehabilitation unit.

(b) Additional personnel shall be provided as required to meet the needs of the patient, as defined in the comprehensive inpatient rehabilitation evaluation.

History Note: Authority G.S. 143B-165; RRC Objection due to lack of statutory authority Eff. January 18, 1996; Eff. May 1, 1996; Readopted Eff. August 1, 2023.

10A NCAC 13B .5411 PHYSICAL FACILITY REQUIREMENTS/INPATIENT REHABILITATION FACILITIES OR UNIT

History Note: Authority G.S. 143B-165; Eff. March 1, 1996; Repealed Eff. August 1, 2023.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 – BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

21 NCAC 06N .0111 FORM BAR-10

(a) Each barber school shall submit the Form BAR-10 monthly for each student enrolled in barber school. The Form BAR-10 shall include the following:

- (1) the name of the school submitting the report;
- (2) the student's name;
- (3) the month and year for which the report is filed; and
- (4) the number of hours the student attended during the month and year for which the report is filed.

(b) The school shall submit Form BAR-10 to the Board online at the website address listed in 21 NCAC 06A .0102.

(c) Notwithstanding the requirement in Paragraph (b) of this Rule to submit the Form BAR-10 online, if a student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall submit a paper version of the Form BAR-10 to the Board:

- (1) within five business days; or
- (2) within 30 days if the student's enrollment ends during the effective period of a state of emergency declared by the Governor.

*History Note: Authority G.S. 86A-22;
Eff. May 1, 1989;
Readopted Eff. July 1, 2016;
Emergency Adoption Eff. March 27, 2020;
Temporary Adoption Eff. June 1, 2020;
Amended Eff. January 1, 2024; February 1, 2021.*

21 NCAC 06N .0117 REQUEST FOR TEMPORARY PERMIT

(a) An individual who wishes to request a temporary permit shall submit the following information using the form available at the website listed in 21 NCAC 06A .0102:

- (1) the requester's name, mailing address, phone number, and email address;
- (2) if the requester attended a North Carolina barber school, the name of the school;
- (3) the type of license application the requester has submitted; and
- (4) the name, permit number, and physical address of the barbershop where the requester would like to work.

(b) Except as set forth in Paragraph (c) of this Rule, the Board shall not accept requests for temporary permits submitted in paper form.

(c) If an individual wishes to submit a request for a temporary permit in paper form because he or she cannot submit the request online, the individual shall submit a paper version of the form in Paragraph (a) of this Rule to the address listed in 21 NCAC 06A .0102, along with an explanation for why the request cannot be submitted online. The individual may request the paper version of the form by contacting the board at the phone number, email, or mailing address in 21 NCAC 06A .0102. The Board shall determine whether good cause exists for the individual not to submit a request online. For the purpose of this Rule, "good cause" means that the applicant could not have submitted the request online as set forth in Paragraph (a) of this Rule due to circumstances such as disability or lack of access to a computer or mobile device.

*History Note: Authority G.S. 86B-2; 86B-27;
Eff. August 1, 2023.*

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission September 21, 2023 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
Robert A. Bryan, Jr. (2nd Vice Chair)
Jay R. Hemphill
Jeff Hyde
Robert A. Rucho

Appointed by House

Andrew P. Atkins (1st Vice Chair)
Wayne R. Boyles, III
Barbara A. Jackson
Randy Overton
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
Lawrence Duke	984-236-1938
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934

RULES REVIEW COMMISSION MEETING DATES

September 21, 2023	November 16, 2023
October 19, 2023	December 14, 2023

AGENDA

RULES REVIEW COMMISSION

Thursday, September 21, 2023, 9:00 A.M.

1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 - A. Sheriffs' Education and Training Standards Commission - 12 NCAC 10B .0402, .0403, .0404, .0503, .0604, .0605, .0606, .0704, .0714, .1302 (Peaslee)
 - B. Private Protective Services Board -14B NCAC 16 .0201, .0205, .0403, .0807, .1101, .1501, .1502, .1503, .1504, .1601, .1701, .1702, .1703, .1704, .1705, .1707, .1708, .1709 (Liebman)
 - C. Environmental Management Commission 15A NCAC 02D .0503, .0506, .0532, .0614, .0918, .0926, .0927, .0928, .0932, .0960, .0961, .0964, .1403, and .1708; 15A NCAC 02Q .0102, .0706 (Liebman)
 - D. Environmental Management Commission - 15A NCAC 02H .1301, .1401, .1402, .1403, .1404, .1405 (Liebman)
 - E. Marine Fisheries Commission - 15A NCAC 03M .0101 (Duke)
 - F. Coastal Resources Commission - 15A NCAC 07H .0208, .0308; 07M .0603 (Liebman)
 - G. Coastal Resources Commission - 15A NCAC 07H .0501, .0502, .0503, .0505, .0506, .0507, .0508, .0509, .0510; 07I .0406, .0506, .0702; 07J .0203, .0204, .0206, .0207, .0208, .0312 (Liebman)
 - H. Coastal Resources Commission - 15A NCAC 07H .2305 (Duke)
 - I. Coastal Resources Commission - 15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0701, .0703, .0704, .1001, .1002, .1101 (Peaslee)
- IV. Review of Filings (Permanent Rules) for rules filed between July 21, 2023 through August 20, 2023
 1. Board of Agriculture (Liebman)
 2. Child Care Commission (Peaslee)
 3. Medical Care Commission (Liebman)
 4. Radiation Protection Commission (Liebman)
 5. Commission for Public Health 10A NCAC 41A (Liebman)
 6. Department of Justice (Liebman)
 7. Criminal Justice Education and Training Standards Commission (Liebman)
 8. Commission for Public Health 15A NCAC 18A (Liebman)
 9. Department of Revenue 17 NCAC 07B .0100 - .4100 (Ascher)

10. Department of Revenue 17 NCAC 07B .4200 - .5000 (Peaslee)
11. Local Governmental Employees' Retirement System Board of Trustees (Liebman)

- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
VI. Existing Rules Review
VII. Commission Business
- Election of Commission Officers
 - Next meeting: October 19, 2023
-

Commission Review
Log of Permanent Rule Filings
July 21, 2023 through August 20, 2023

AGRICULTURE, BOARD OF

The rules in Subchapter 52B cover animal diseases, treatment, and protection including quarantine (.0100), admission of livestock to North Carolina (.0200), brucellosis regulations (.0300), equine infectious anemia (.0400), poultry diseases (.0500), poultry hatcheries (.0600); and scrapie disease (.0700).

Importation Requirements: Rabbits, or Any Species in the ... 02 NCAC 52B .0214
Amend*

The rules in Subchapter 52J are enforced by the animal welfare section and include rules about record keeping and licensing (.0100); facilities and operating standards (.0200); transportation standards (.0300); euthanasia standards (.0400); euthanasia by injection (.0500); euthanasia by carbon monoxide (.0600); extraordinary circumstances (.0700); and policy and procedure manual (.0800).

Eligible Expenses 02 NCAC 52J .0901
Amend*

Application Guidelines 02 NCAC 52J .0902
Amend*

Evaluation of Applications 02 NCAC 52J .0903
Adopt*

Grant Closeout Report 02 NCAC 52J .0904
Adopt*

CHILD CARE COMMISSION

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); staff qualifications (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); continuing education and professional development (.1100); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); child care for children who are medically fragile (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); NC pre-kindergarten services (.3000); and care for school-age children during state of emergency(.3100).

Criminal History Record Check Requirements for Child Care... 10A NCAC 09 .2703
Amend*

MEDICAL CARE COMMISSION

The rules in Subchapter 13A concern the executive committee (.0100) and rulemaking (.0200).

Petitions 10A NCAC 13A .0201
Amend*

The rules in Subchapter 13F concern licensing of homes for the aged and infirm and include definitions (.0100); licensing (.0200); physical plant (.0300); staff qualification (.0400); staff orientation training, competency and continuing education (.0500); staffing (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medication (.1000); Resident's funds and refunds (.1100); policies; records and reports (.1200); special care units for alzheimer and related disorders (.1300); special care units for mental health disorders (.1400); use of physical restraints and alternatives (.1500); rated certificates (.1600); administrator certification and renewal (.1700); and infection prevention and control (.1800).

Discharge of Residents 10A NCAC 13F .0702
Readopt with Changes*

Special Care Unit Resident Profile and Care Plan 10A NCAC 13F .1307
Readopt without Changes*

The rules in Subchapter 13G concern licensing of family care homes including definitions (.0100); licensing (.0200); the building (.0300); staff qualifications (.0400); staffing orientation, training, competency and continuing education (.0500); staffing of the home (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medications (.1000); management and resident's funds and refunds (.1100); policies, records and reports (.1200); use of physical restraints and alternatives (.1300); rated certificates (.1600); and infection prevention and control (.1700)..

Competency Evaluation and Validation for Licensed Health ... 10A NCAC 13G .0504
Amend*

Discharge of Residents 10A NCAC 13G .0705
Readopt with Changes*

Use of Physical Restraints and Alternatives 10A NCAC 13G .1301
Readopt without Changes*

RADIATION PROTECTION COMMISSION

The rules in Chapter 15 are from the Radiation Protection Commission and include general provisions (.0100); registration of radiation machines, facilities and services (.0200); licensing of radioactive material (.0300); safety requirements for industrial radiography operations (.0500); x-rays in the healing arts (.0600); use of radioactive sources in the healing arts (.0700); requirements for analytical x-ray equipment (.0800); requirements for particle accelerators (.0900); notices, instructions, reports and inspections (.1000); fees (.1100); land disposal of radioactive waste (.1200); requirements for wire-line service operators and subsurface-tracer studies (.1300); tanning facilities (.1400); and standards for protection against radiation (.1600).

Notices, Instructions, and Reports to Employees 10A NCAC 15 .1001
Amend*

Posting of Notices to Workers 10A NCAC 15 .1002
Repeal*

Instructions to Workers 10A NCAC 15 .1003
Repeal*

Notifications and Reports to Individuals 10A NCAC 15 .1004
Readopt/Repeal*

Presence of Representatives During Inspections 10A NCAC 15 .1005
Repeal*

Consultation with Workers 10A NCAC 15 .1006
Repeal*

Requests for Inspections 10A NCAC 15 .1007
Readopt/Repeal*

RULES REVIEW COMMISSION

<u>Inspections Not Warranted</u> Readopt/Repeal*	10A NCAC 15 .1008
<u>Standards for Protection Against Radiation</u> Readopt with Changes*	10A NCAC 15 .1601
<u>Implementation</u> Readopt/Repeal*	10A NCAC 15 .1602
<u>Radiation Protection Programs</u> Readopt/Repeal*	10A NCAC 15 .1603
<u>Occupational Dose Limits for Adults</u> Readopt/Repeal*	10A NCAC 15 .1604
<u>Requirements for Summation of External, Internal Doses</u> Readopt/Repeal*	10A NCAC 15 .1605
<u>External Dose from Airborne Radioactive Material</u> Readopt/Repeal*	10A NCAC 15 .1606
<u>Determination of Internal Exposure</u> Readopt/Repeal*	10A NCAC 15 .1607
<u>Planned Special Exposures</u> Readopt/Repeal*	10A NCAC 15 .1608
<u>Occupational Dose Limits for Minors</u> Readopt/Repeal*	10A NCAC 15 .1609
<u>Dose Equivalent to an Embryo/Fetus</u> Readopt/Repeal*	10A NCAC 15 .1610
<u>Dose Limits for Individual Members of the Public</u> Readopt/Repeal*	10A NCAC 15 .1611
<u>Compliance with Dose Limits for Members of the Public</u> Readopt/Repeal*	10A NCAC 15 .1612
<u>Surveys</u> Readopt/Repeal*	10A NCAC 15 .1613
<u>Monitoring of External and Internal Occupational Dose</u> Readopt/Repeal*	10A NCAC 15 .1614
<u>Control of Access to High Radiation Areas</u> Readopt/Repeal*	10A NCAC 15 .1615
<u>Control of Access to Very High Radiation Areas</u> Readopt/Repeal*	10A NCAC 15 .1616
<u>Access to Very High Radiation Areas: Irradiators</u> Readopt/Repeal*	10A NCAC 15 .1617
<u>Use of Process or Other Engineering Controls</u> Readopt/Repeal*	10A NCAC 15 .1618
<u>Use of Other Controls to Restrict Internal Exposure</u> Readopt/Repeal*	10A NCAC 15 .1619
<u>Use of Individual Respiratory Protection Equipment</u> Readopt/Repeal*	10A NCAC 15 .1620
<u>Restrictions on the Use of Respiratory Protection Equipment</u> Readopt/Repeal*	10A NCAC 15 .1621
<u>Security of Sources of Radiation</u> Readopt/Repeal*	10A NCAC 15 .1622
<u>Caution Signs</u> Readopt/Repeal*	10A NCAC 15 .1623
<u>Posting Requirements</u> Readopt/Repeal*	10A NCAC 15 .1624
<u>Exceptions to Posting Requirement</u> Readopt/Repeal*	10A NCAC 15 .1625

RULES REVIEW COMMISSION

<u>Labeling Requirements and Exemptions</u> Readopt/Repeal*	10A NCAC 15 .1626
<u>Procedures for Receiving and Opening Packages</u> Readopt/Repeal*	10A NCAC 15 .1627
<u>General Requirements for Waste Disposal</u> Readopt/Repeal*	10A NCAC 15 .1628
<u>Method for Obtaining Approval of Disposal Procedures</u> Readopt/Repeal*	10A NCAC 15 .1629
<u>Disposal by Release into Sanitary Sewerage</u> Readopt/Repeal*	10A NCAC 15 .1630
<u>Treatment or Disposal by Incineration</u> Readopt/Repeal*	10A NCAC 15 .1631
<u>Disposal of Specific Wastes</u> Readopt/Repeal*	10A NCAC 15 .1632
<u>Transfer for Disposal and Manifests</u> Readopt/Repeal*	10A NCAC 15 .1633
<u>Compliance with Env. and Health Protection Regulations</u> Readopt/Repeal*	10A NCAC 15 .1634
<u>General Provisions for Records</u> Readopt/Repeal*	10A NCAC 15 .1635
<u>Records of Radiation Protection Programs</u> Readopt/Repeal*	10A NCAC 15 .1636
<u>Records of Surveys</u> Readopt/Repeal*	10A NCAC 15 .1637
<u>Determination of Prior Occupational Dose</u> Readopt/Repeal*	10A NCAC 15 .1638
<u>Records of Planned Exposures</u> Readopt/Repeal*	10A NCAC 15 .1639
<u>Records of Individual Monitoring Results</u> Readopt/Repeal*	10A NCAC 15 .1640
<u>Records of Dose to Individual Members of the Public</u> Readopt/Repeal*	10A NCAC 15 .1641
<u>Records of Waste Disposal</u> Readopt/Repeal*	10A NCAC 15 .1642
<u>Records of Testing Entry Control Devices</u> Readopt/Repeal*	10A NCAC 15 .1643
<u>Form of Records</u> Readopt/Repeal*	10A NCAC 15 .1644
<u>Reports of Theft or Loss of Licensed Radioactive Material</u> Readopt/Repeal*	10A NCAC 15 .1645
<u>Notification of Incidents</u> Readopt/Repeal*	10A NCAC 15 .1646
<u>Reports of Radiation Exceeding the Limits</u> Readopt/Repeal*	10A NCAC 15 .1647
<u>Reports of Planned Special Exposures</u> Readopt/Repeal*	10A NCAC 15 .1648
<u>Reports of Individual Monitoring</u> Readopt/Repeal*	10A NCAC 15 .1649
<u>Radiological Requirements for License Termination</u> Readopt/Repeal*	10A NCAC 15 .1653

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 41 concern epidemiology health.

The rules in Subchapter 41A deal with communicable disease control and include reporting of communicable diseases (.0100); control measures for communicable diseases including special control measures (.0200-.0300); immunization (.0400); purchase and distribution of vaccine (.0500); special program/project funding (.0600); licensed nursing home services (.0700); communicable disease grants and contracts (.0800); and biological agent registry (.0900).

Reporting of COVID-19 Diagnostic Test Results 10A NCAC 41A .0107
 Repeal*

JUSTICE, DEPARTMENT OF

The rules in Subchapter 2J regulate campus police including general provisions (.0100); rules about commissioning (.0200) and the conduct of commissioned policemen (.0300).

Minimum Standards for Campus Police Officers 12 NCAC 02J .0201
 Amend*

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

Criminal Justice Instructor Training 12 NCAC 09B .0209
 Amend*

Evaluation for Training Waiver 12 NCAC 09B .0403
 Amend*

Certification of School Directors 12 NCAC 09B .0501
 Amend*

Terms and Conditions of School Director Certification 12 NCAC 09B .0502
 Amend*

The rules in Subchapter 9C concern the administration of criminal justice education and training standards including responsibilities of the criminal justice standards division (.0100); forms (.0200); certification of criminal justice officers (.0300); accreditation of criminal justice schools and training courses (.0400); minimum standards for accreditation of associate of applied science degree programs incorporating basic law enforcement training (.0500); and equipment and procedures (.0600).

Lateral Transfer of Law Enforcement Officers 12 NCAC 09C .0306
 Amend*

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

Certification of School Directors 12 NCAC 09G .0405
 Amend*

Terms and Conditions of School Director Certification 12 NCAC 09G .0406
 Amend*

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 18 cover environmental aspects of health such as sanitation (18A), mosquito control (18B), water supplies (18C), and water treatment facility operators (18D). The rules in Subchapter 18A deal with sanitation and include handling, packing and shipping of crustacean meat (.0100) and shellfish (.0300 and .0400); operation of shellstock plants and reshippers (.0500); shucking and packing plants (.0600); depuration mechanical purification facilities (.0700); wet storage of shellstock (.0800); shellfish growing waters (.0900); summer camps (.1000); grade A milk (.1200); hospitals, nursing homes, rest homes, etc. (.1300); mass gatherings (.1400); local confinement facilities (.1500); residential care facilities (.1600); protection of water supplies (.1700); lodging places (.1800); sewage treatment and disposal systems (.1900); migrant housing (.2100); bed and breakfast homes (.2200); delegation of authority to enforce rules (.2300); public, private and religious schools (.2400); public swimming pools (.2500); restaurants, meat markets, and other food handling establishments (.2600); child day care facilities (.2800); restaurant and lodging fee collection program (.2900); bed and breakfast inns (.3000); lead poisoning prevention (.3100); tattooing (.3200); adult day service facilities (.3300); primitive camps (.3500); rules governing the sanitation of resident camps (.3600); and private drinking water well sampling (.3800).

Water Supply 15A NCAC 18A .1511
 Readopt with Changes*

REVENUE, DEPARTMENT OF

The rules in Chapter 7 concern sales and use tax.

The rules in Chapter 7B concern state sales and use tax including general provisions (.0100); adjustments, replacements and alterations and installation sales (.0800); advertising, advertising agencies and public relations firms (.0900); barbers, beauty shop operators, shoe and watch repairmen (.1000); qualifying and conditional farmers (.1100); hotels, motels, tourist camps and tourist cabins (.1200); sales in interstate commerce (.1300); sales of medicines, drugs and medical supplies (.1400); finance companies, finance charges and carrying charges (.1500); sales to or purchases by nonprofit entities: sales by nonprofit entities: and refunds to nonprofit entities (.1600); sales to or by the state, counties, cities and other political subdivisions (.1700); hospitals and sanitariums (.1800); tire recappers and retreaders: and tire and tube repairs (.1900); sales and gifts by employers to employees (.2000); electricity, piped natural gas, bottled gas, coal, coke, fuel oil, oxygen, acetylene, hydrogen, liquefied petroleum gas and other combustibles (.2100); food and food products for human consumption (.2200); sales to out-of-state merchants for resale (.2300); sales of medical supplies and equipment to veterinarians (.2400); furniture and storage warehousemen (.2500); liability of contractors, use tax on equipment brought into state and building materials (.2600); dentists, dental laboratories and dental supply houses (.2700); florist: nurseries: greenhouses (.2800); vending machines (.2900); articles taken in trade, trade-ins, repossessions, returned merchandise and used or secondhand merchandise (.3000); radio and television stations and movie theatres (.3100); telecommunications and telegraph companies (.3200); orthopedic appliances (.3300); memorial stone and monument dealers and monument manufactures (.3400); machinists, foundrymen and pattern makers (.3500); lubricants and oils and greases (.3700); promotional items: gifts (.3800); containers, wrapping and packing and shipping materials (.3900); fertilizer, seeds and feed and insecticides (.0400); artists, art dealers and photographers (.4100); sales to the United States government or agencies thereof (.4200); refunds to interstate carriers (.4300); lease or rental (.4400); laundries, dry cleaning plants, launderettes, linen rentals and solicitors for such businesses (.4500); motor vehicles and boats (.4600); printers and newspaper or magazine publishers (.4700); basis of reporting (.4800); eyeglasses, contact lenses, and other optical aids and supplies (.5000); leased departments and transient sellers (.5100); baby chicks and poult (5200); and certificate of authority and bond requirements (.5300).

<u>Registration and Returns</u>	17	NCAC 07B .0104
Readopt with Changes*		
<u>Certificates of Exemption Sales for Resale</u>	17	NCAC 07B .0106
Readopt with Changes*		
<u>Trade Discounts and Cash Discounts</u>	17	NCAC 07B .0108
Readopt with Changes*		
<u>Occasional and Isolated Sales</u>	17	NCAC 07B .0112
Readopt with Changes*		
<u>Research Services</u>	17	NCAC 07B .0115

<u>Readopt with Changes*</u>	
<u>Property Transfers Between Divisions</u>	17 NCAC 07B .0117
<u>Readopt with Changes*</u>	
<u>Bankrupt's Liability</u>	17 NCAC 07B .0121
<u>Readopt/Repeal*</u>	
<u>Manufacturer's Warranty and Dealer's Warranty; Adjustment...</u>	17 NCAC 07B .0801
<u>Readopt with Changes*</u>	
<u>Advertising and Advertising Agencies</u>	17 NCAC 07B .0901
<u>Readopt with Changes*</u>	
<u>Advertising Artists</u>	17 NCAC 07B .0902
<u>Readopt with Changes*</u>	
<u>Public Relations Firms</u>	17 NCAC 07B .0904
<u>Readopt with Changes*</u>	
<u>Farm Machinery: Equipment Services</u>	17 NCAC 07B .1101
<u>Readopt with Changes*</u>	
<u>Certain Sales to Commercial Animal Farmers</u>	17 NCAC 07B .1123
<u>Readopt/Repeal*</u>	
<u>Supplies and Equipment for an Accommodation</u>	17 NCAC 07B .1202
<u>Readopt with Changes*</u>	
<u>Out-of-State Deliveries</u>	17 NCAC 07B .1301
<u>Readopt with Changes*</u>	
<u>In-State Deliveries</u>	17 NCAC 07B .1302
<u>Readopt with Changes*</u>	
<u>Gifts to Donees</u>	17 NCAC 07B .1303
<u>Readopt with Changes*</u>	
<u>Foreign Commerce: Purchases for Export</u>	17 NCAC 07B .1305
<u>Readopt with Changes*</u>	
<u>Medical Supplies, Instruments, and Equipment</u>	17 NCAC 07B .1404
<u>Readopt with Changes*</u>	
<u>Sales to or Purchases by Nonprofit Entities</u>	17 NCAC 07B .1601
<u>Readopt with Changes*</u>	
<u>Refunds to Nonprofit Entities</u>	17 NCAC 07B .1602
<u>Readopt with Changes*</u>	
<u>Sales by Nonprofit Entities</u>	17 NCAC 07B .1605
<u>Readopt with Changes*</u>	
<u>Governmental Sales and Purchases</u>	17 NCAC 07B .1701
<u>Readopt with Changes*</u>	
<u>Refunds to Counties, Cities, and other Governmental Entities</u>	17 NCAC 07B .1702
<u>Readopt with Changes*</u>	
<u>Governmental Entities not Eligible for Refunds</u>	17 NCAC 07B .1704
<u>Readopt with Changes*</u>	
<u>Housing Authorities</u>	17 NCAC 07B .1705
<u>Readopt with Changes*</u>	
<u>Sales to and Purchases by Hospitals and Similar Institutions</u>	17 NCAC 07B .1801
<u>Readopt with Changes*</u>	
<u>Sales to Tire Retreaders</u>	17 NCAC 07B .1905
<u>Readopt with Changes*</u>	
<u>Scrap Tire Disposal Tax</u>	17 NCAC 07B .1907
<u>Readopt with Changes*</u>	
<u>Sales to Employees</u>	17 NCAC 07B .2001
<u>Readopt with Changes*</u>	
<u>Gifts or Wages to an Employee or Other Person</u>	17 NCAC 07B .2002

<u>Readopt with Changes*</u>	
<u>Electricity, Piped Natural Gas, and Other Fuel</u>	17 NCAC 07B .2101
<u>Readopt with Changes*</u>	
<u>Sawdust Used as Fuel</u>	17 NCAC 07B .2102
<u>Readopt/Repeal*</u>	
<u>Aviation Fuel</u>	17 NCAC 07B .2105
<u>Readopt with Changes*</u>	
<u>Food and Food Products</u>	17 NCAC 07B .2201
<u>Readopt with Changes*</u>	
<u>Sales of Food on Trains, Planes, Etc.</u>	17 NCAC 07B .2204
<u>Readopt with Changes*</u>	
<u>Catering</u>	17 NCAC 07B .2205
<u>Readopt with Changes*</u>	
<u>School Stores' Sales</u>	17 NCAC 07B .2209
<u>Readopt/Repeal*</u>	
<u>Summer Camps and Similar Camps</u>	17 NCAC 07B .2210
<u>Readopt with Changes*</u>	
<u>Sales of Fish and Other Seafoods</u>	17 NCAC 07B .2212
<u>Readopt with Changes*</u>	
<u>Service Charges Imposed on Food, Beverages, or Prepared Food</u>	17 NCAC 07B .2213
<u>Readopt with Changes*</u>	
<u>In General</u>	17 NCAC 07B .2301
<u>Readopt/Repeal*</u>	
<u>Sales of Medical Supplies and Equipment to Veterinarians</u>	17 NCAC 07B .2401
<u>Readopt with Changes*</u>	
<u>Asphalt Plants: Concrete Plants: Weigh Hoppers</u>	17 NCAC 07B .2603
<u>Readopt with Changes*</u>	
<u>Sand: Dirt: Stone</u>	17 NCAC 07B .2604
<u>Readopt with Changes*</u>	
<u>Sandblast Sand</u>	17 NCAC 07B .2605
<u>Readopt with Changes*</u>	
<u>Sales to Dentists and Orthodontists</u>	17 NCAC 07B .2701
<u>Readopt with Changes*</u>	
<u>Sales to Dental Laboratories</u>	17 NCAC 07B .2702
<u>Readopt with Changes*</u>	
<u>Florists: Nursery and Greenhouse Operators</u>	17 NCAC 07B .2801
<u>Readopt with Changes*</u>	
<u>Florists Wire Sales</u>	17 NCAC 07B .2802
<u>Readopt with Changes*</u>	
<u>Sales Through Vending Machines</u>	17 NCAC 07B .2901
<u>Readopt with Changes*</u>	
<u>Use Property</u>	17 NCAC 07B .3004
<u>Readopt with Changes*</u>	
<u>Transfer of Inventory Held for Resale to New Business</u>	17 NCAC 07B .3009
<u>Readopt with Changes*</u>	
<u>Radio, Television, Movie Theatres Receipts</u>	17 NCAC 07B .3101
<u>Readopt with Changes*</u>	
<u>Cable Service Providers</u>	17 NCAC 07B .3106
<u>Readopt with Changes*</u>	
<u>Production Companies</u>	17 NCAC 07B .3107
<u>Readopt with Changes*</u>	
<u>Exempt Prosthetic Devices</u>	17 NCAC 07B .3301

<u>Readopt with Changes*</u>	
<u>Exempt Durable Medical Equipment and Durable Medical Supp...</u>	17 NCAC 07B .3302
<u>Readopt with Changes*</u>	
<u>Professional Items and Gifts</u>	17 NCAC 07B .3801
<u>Readopt with Changes*</u>	
<u>Gift Certificates and Gift Cards</u>	17 NCAC 07B .3804
<u>Readopt with Changes*</u>	
<u>Deposits for Reusable Containers</u>	17 NCAC 07B .3907
<u>Readopt with Changes*</u>	
<u>Returnable Containers</u>	17 NCAC 07B .3910
<u>Readopt with Changes*</u>	
<u>Sales of Photographs and Videos</u>	17 NCAC 07B .4102
<u>Readopt with Changes*</u>	
<u>Photo Supplies and Materials</u>	17 NCAC 07B .4105
<u>Readopt with Changes*</u>	
<u>Photoengravings: Electrotypes: Etc.</u>	17 NCAC 07B .4106
<u>Readopt with Changes*</u>	
<u>Blueprints Sold to Architects</u>	17 NCAC 07B .4109
<u>Readopt with Changes*</u>	
<u>In General</u>	17 NCAC 07B .4201
<u>Readopt with Changes*</u>	
<u>Exempt Sales to the United States Government</u>	17 NCAC 07B .4202
<u>Readopt with Changes*</u>	
<u>Contractors for the Federal Government</u>	17 NCAC 07B .4203
<u>Readopt with Changes*</u>	
<u>Government Agricultural Offices</u>	17 NCAC 07B .4204
<u>Readopt/Repeal*</u>	
<u>Federal Credit Unions and the Farm Credit System</u>	17 NCAC 07B .4205
<u>Readopt with Changes*</u>	
<u>Fed Savings/Loan Assoc, Natl and State Banks, Credit Unions</u>	17 NCAC 07B .4206
<u>Readopt with Changes*</u>	
<u>Native American Indian Country</u>	17 NCAC 07B .4210
<u>Readopt with Changes*</u>	
<u>Refunds to Interstate Carriers</u>	17 NCAC 07B .4301
<u>Readopt with Changes*</u>	
<u>Refunds to Railroad Companies</u>	17 NCAC 07B .4302
<u>Readopt with Changes*</u>	
<u>Lease Receipts</u>	17 NCAC 07B .4401
<u>Readopt with Changes*</u>	
<u>Maintenance of Leased Property</u>	17 NCAC 07B .4403
<u>Readopt with Changes*</u>	
<u>Equipment Furnished with Operator</u>	17 NCAC 07B .4404
<u>Readopt with Changes*</u>	
<u>Insurance on Leased Property</u>	17 NCAC 07B .4406
<u>Readopt with Changes*</u>	
<u>Extension of Leases Subject to a Maximum Tax</u>	17 NCAC 07B .4411
<u>Readopt with Changes*</u>	
<u>Conditional Sales Contract</u>	17 NCAC 07B .4413
<u>Readopt with Changes*</u>	
<u>Skating Rink and Bowling Alley Rental Fees</u>	17 NCAC 07B .4415
<u>Readopt with Changes*</u>	
<u>Equipment and Supplies for Laundries, etc.</u>	17 NCAC 07B .4503

Readopt with Changes*		
<u>Independent Cleaning Solicitors</u>	17	NCAC 07B .4510
Readopt with Changes*		
<u>Fire Trucks and Equipment</u>	17	NCAC 07B .4609
Readopt with Changes*		
<u>Recreational Vehicles</u>	17	NCAC 07B .4614
Readopt with Changes*		
<u>Commercial Printers and Publishers</u>	17	NCAC 07B .4701
Readopt with Changes*		
<u>Printing Chemicals</u>	17	NCAC 07B .4707
Readopt with Changes*		
<u>Postage Charges by Printers</u>	17	NCAC 07B .4708
Readopt with Changes*		
<u>Typesetting</u>	17	NCAC 07B .4716
Readopt/Repeal*		
<u>Records Required to be Kept</u>	17	NCAC 07B .4801
Readopt with Changes*		
<u>Accrual Basis</u>	17	NCAC 07B .4802
Readopt with Changes*		
<u>Cash Basis</u>	17	NCAC 07B .4803
Readopt with Changes*		
<u>Eyeglasses and Contact Lenses</u>	17	NCAC 07B .5001
Readopt with Changes*		
<u>Eyeglass Frames and Repair Parts</u>	17	NCAC 07B .5002
Readopt with Changes*		
<u>Taxable Optical Supplies</u>	17	NCAC 07B .5004
Readopt with Changes*		

LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

The rules in Subchapter 2C concern the local government employees' retirement system including general provisions (.0100); administration (.0200); beneficiaries (.0300); contributions (.0400); disability retirement (.0500); leaves of absence (.0700); military service (inchoate rights only) (.0900); out-of-state service (inchoate rights only) (.1000); retirement allowances (.1200); voluntary withdrawn contributions (.1300); and delayed purchase of service credits (.1500).

<u>Definitions</u>	20	NCAC 02C .0210
Adopt*		
<u>Surety for Non-Taxing Authority Participation</u>	20	NCAC 02C .0211
Adopt*		